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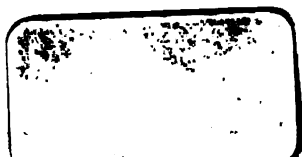
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STATE OF NEW-YORK,

PASSED AT THE

FIFTY-SEVENTH SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY,

THE SEVENTH DAY OF JANUARY, 1834.



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.....

1834.



L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE FIFTY-SEVENTH SESSION OF THE LEGISLATURE, BEGUN AND HELD AT THE CITY OF ALBANY, THE SEVENTH DAY OF JANUARY, 1834.

CHAPTER 1.

AN ACT *relative to vacancies and disabilities in the office of Vice-Chancellor.*

Passed January 18, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Whenever the office of vice-chancellor of any circuit is vacant, common orders, orders by consent of parties, and orders for the issuing of injunctions or writs ne exeat upon the certificate of a vice-chancellor or injunction master, may be entered by the register, assistant register, or clerk residing in such circuit, in the same manner as if the office of vice-chancellor was not vacant; and the name of the chancellor shall be inserted in the caption of such orders. Common orders.

§ 2. When the office of vice-chancellor of a circuit is vacant, or the vice-chancellor, by reason of continued sickness, or a legal disability, is unable to hear the application, a motion or petition in any suit or proceeding pending before the vice-chancellor of such circuit, may be heard by the chancellor, upon the usual notice of the application to the adverse party. And the decree or order made upon such motion or petition, shall be entered with the register, assistant register, or clerk residing in such circuit, with the name of the chancellor in the caption thereof. Hearing.

§ 3. This act shall take effect immediately after the passage thereof. Act to take effect.

CHAP. 2.

AN ACT for the relief of Joseph Ward, the survivor of Henry Ward, deceased.

Passed January 18, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer shall pay, on the warrant of the comptroller, to Joseph Ward, the survivor of Henry Ward, deceased, out of any money in the treasury, not otherwise appropriated, the sum of eight hundred and twenty-one dollars, for extra labor performed on the Oswego canal, as ascertained and allowed by the commissioners of the canal fund.

§ 2. That this act shall go into operation immediately after its passage.

CHAP. 3.

AN ACT relating to the Jail and Work-House in the county of Albany.

Passed January 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Ground may
be purchased.

§ 1. The board of supervisors of the county of Albany, are hereby authorized to purchase so much ground in the city of Albany, as they may deem necessary for the erection of a common jail for said county, and also for the construction of suitable buildings to be attached thereto, for work-shops, and other appropriate erections for a work-house, for the confinement of convicts in the said county, who may be sentenced to confinement in such jail, at hard labor.

Present jail
may be sold.

§ 2. The present jail, and the ground belonging to the said county, attached thereto, may be sold by the said board of supervisors, at public auction, either together or in separate lots and parcels; and the money arising therefrom applied to the payment of the expenses of the purchase of the ground and the erection of a new jail and work-house.

Tax not to
exceed
\$10,000.

§ 3. At the next annual meeting of the board of supervisors of the county of Albany, they shall raise by tax, to be levied and collected from the taxable property of the said county of Albany, in the same manner as other

contingent charges of the said county are raised, levied and collected, a sum not exceeding ten thousand dollars, to be applied as aforesaid.

§ 4. There shall be a special meeting of the said board of supervisors, at their usual place of meeting in the said county, on the second Tuesday of February next, for the purpose of making the purchase of such ground, and for entering into contracts, or making other preparations for the erection of such jail and work-house, during the present year, in case the said board shall judge that the purchase can be made, and the buildings erected at prices consistent with the public interest of the said county; and the said board may meet and adjourn from time to time, as often as they deem it necessary for such purpose.

Special meeting of supervisors.

§ 5. It shall be lawful for the said board to appoint any agent or agents to superintend the erections of the said buildings, if they shall see fit; and when the said jail and buildings are so far completed as, in the opinion of the sheriff of the said county, to enable him to have the safe custody of the prisoners therein, it shall be his duty to remove the persons then in confinement, from the present jail to the said jail so to be erected.

Agents.

§ 6. In case the said board of supervisors shall not be able to make contracts or agreements for the purchase of such site, and the erection of such buildings, at such price as they may judge expedient for the benefit of said county, it shall then be the duty of the said board of supervisors, to cause the present jail to be repaired in a manner safe for the detention of prisoners, and to build and erect such additions thereto, for work-shops, cells and dormitories, as they may deem necessary for the proper employment of convicts who may be sentenced to hard labor in the jail of the said county; and the said sum of money so to be raised by tax, shall be applied and expended for the purpose aforesaid.

Present jail may be repaired, &c.

§ 7. It shall be the duty of the sheriff of the county of Albany, every year to appoint a superintendent and keeper of the said jail and work-house, whose duty it shall be to furnish food and rations, and support for all the prisoners and convicts confined in the said jail; to direct the employment of such convicts, or make contracts for the labor of any of them, purchase materials, make sales of articles produced or manufactured, and under the direction of the sheriff of the said county, have the general care of the said persons and convicts, and of the said buildings and appurtenances. The first appointment to take effect on the first day of January, one thousand eight hundred and thirty-five.

Sheriff to appoint superintendent.

Duty of superintendent.

§ 8. Such superintendent and jailor shall, at each annual meeting of the board of supervisors, render to them under his oath, a full and detailed statement and account current of the expenses for the support and maintenance of the prisoners and convicts, the actual costs of all materials purchased, and the receipts of the avails for the labor of such convicts, and of materials on hand; and as near as may be, the estimated value thereof; and any deficiency shall be ordered to be paid by the said supervisors to the superintendent; and any surplus in his hands, paid to the treasurer for the use of the said county.

His salary.

§ 9. The said superintendent and jailor shall receive from the said county, such salary as the board of supervisors shall by resolution determine upon, previous to any such appointment, and no more, in lieu of all fees and perquisites, heretofore attached to the office of jailor, and payable by the county.

Repeal.

§ 10: All laws inconsistent with the foregoing provisions, are hereby repealed: And this act shall take effect on the passage thereof.

CHAP. 4.

AN ACT to limit the number of inspectors of lumber in the city of Troy.

Passed January 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The number of inspectors of lumber hereafter to be appointed in the city of Troy, shall not exceed six.

CHAP. 5.

AN ACT relative to a town-house, in the town of Steuben, in the county of Oneida.

Passed January 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Lot to be purchased.

§ 1. The inhabitants of the town of Steuben, in the county of Oneida, are hereby authorized to purchase in the name of said town, for the use and benefit of the inhabitants thereof, a lot of land with a suitable building

thereon, or if not, then to erect one thereon for a town house, in which to transact public business.

§ 2. The inhabitants aforesaid, qualified to vote at ^{Tax.} town meetings, or a majority of them, may at any annual town meeting, hereafter held in said town, vote a sum or sums of money, to be raised by tax in one or more years, not exceeding in all one thousand dollars, to be expended, or so much thereof as shall be necessary, in purchasing a site as aforesaid, and repairing or building thereon in said town, a house to be used for the purposes aforesaid.

§ 3. The inhabitants aforesaid, qualified as aforesaid, ^{or} a majority of them, at any annual town meeting, may vote to raise by tax, a further sum of money not exceeding fifty dollars in any one year, to be expended in repairing their said town house.

§ 4. The said several sums of money, or so much of ^{How to be levied and collected.} each as shall be voted as aforesaid, shall be levied and collected in the same manner that other taxes of the town are levied and collected; shall be paid over by the collector to the supervisor of said town, and shall be held by him and his successors in office, subject to the orders of the town house committee hereinafter mentioned.

§ 5. The inhabitants aforesaid, qualified as aforesaid, ^{Committee.} or a majority of them, at any annual town meeting, may elect by ballot or otherwise, not less than three nor more than five discreet persons, inhabitants of said town, to be called the town house committee, whose duty it shall be, or a majority of them, to carry into operation the provisions of this act, subject to such change as to the members of the committee and to such restrictions and directions compatible with this act, as the inhabitants aforesaid, qualified as aforesaid, or a majority of them, at annual town meeting shall adopt.

§ 6. This act shall take effect immediately after the ^{Act to take effect.} passage thereof.

CHAP. 6.

AN ACT to authorize Bradley Ladd and his family, to change their name.

Passed January 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Bradley Ladd, of the town of Sangerfield, in the county of Oneida, may assume and take the surname of Lan-

sing, and after the passage of this act, shall be called and known by the name of Bradley Lansing, and the family of the said Bradley, shall be known by the family name of Lansing.

CHAP. 7.

AN ACT to amend an act entitled, "*An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes,*" passed April 2d, 1829.

Passed February 4, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be allowed to each of the bank commissioners of the state of New-York, the annual salary of two thousand dollars, to be paid quarterly out of the bank fund.

§ 2. The twenty-sixth section of the act entitled, "*An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes,*" passed April 2d, 1829, is hereby repealed.

CHAP. 8.

AN ACT to confirm the agreement entered into by the commissioners appointed by this state, and commissioners appointed by the state of New-Jersey, to settle the boundary line between New-York and New-Jersey.

Passed February 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

The agreement entered into between the commissioners appointed by this state, and the commissioners appointed by the state of New-Jersey, to settle the boundary line between New-York and New-Jersey, in the words following, viz:

Agreement. " Agreement made between the commissioners on the part of the state of New-York, and the commissioners on the part of the state of New-Jersey, relative to the boundary line between the two states.

FIFTY-SEVENTH SESSION.

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay and Henry Seymour, commissioners duly appointed on the part and behalf of the state of New-York, in pursuance of an act of the legislature of the said state, entitled, "An act concerning the territorial limits and jurisdiction of the state of New-York and the state of New-Jersey," passed January 18th, 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, commissioners duly appointed on the part and behalf of the state of New-Jersey, in pursuance of an act of the legislature of the said state, entitled, "An act for the settlement of the territorial limits and jurisdiction between the states of New-Jersey and New-York," passed February 6th, 1833, of the other part.

ARTICLE FIRST. The boundary line between the two states of New-York and New-Jersey, from a point in the middle of Hudson river opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New-York, of the waters between Staten-Island and New-Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE SECOND. The state of New-York shall retain its present jurisdiction of and over Bedlow's and Ellis' islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that state.

ARTICLE THIRD. The state of New-York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New-York, and of and over all the waters of Hudson river lying west of Manhattan island and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New-Jersey side thereof; subject to the following rights of property and of jurisdiction of the state of New-Jersey, that is to say:

1. The state of New-Jersey shall have the exclusive right of property in and to the land under water lying west of the middle of the bay of New-York and west of the middle of that part of the Hudson river which lies between Manhattan island and New-Jersey.

2. The state of New-Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made, and to be made, on the shore of the said state, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws,

and laws in relation to passengers, of the state of New-York, which now exist or which may hereafter be passed.

Fisheries.

3. The state of New-Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered.

Jurisdiction
over Kill
Van Kull.

ARTICLE FOURTH. The state of New-York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten-Island and New-Jersey, to the westernmost end of Shooter's Island, in respect to such quarantine laws and laws relating to passengers as now exist, or may hereafter be passed under the authority of that state, and for executing the same; and the said state shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the Sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said state of New-York.

Waters of
the Sound.

ARTICLE FIFTH. The state of New-Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the Sound between Staten-Island and New-Jersey, lying south of Woodbridge creek, and of and over all the waters of Raritan bay lying westward of a line drawn from the light-house at Prince's bay to the mouth of Mattavan creek, subject to the following rights of property and of jurisdiction of the state of New-York.

1. The state of New-York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten-Island.

Docks on
Staten-Island

2. The state of New-York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made, on the shore of Staten-Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers of the state of New-Jersey which now exist, or which may hereafter be passed.

Fisheries

3. The state of New-York shall have the exclusive right of regulating the fisheries between the shore of Staten-Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

New-Jersey
criminal pro-
cess.

ARTICLE SIXTH. Criminal process issued under the authority of the state of New-Jersey, against any person accused of an offence committed within that state; or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made or to be made by that state, in relation to the fisheries mentioned in the third article; and al-

so civil process issued under the authority of the state of New-Jersey against any person domiciled in that state, or against property taken out of that state to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the state of New-York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the state of New-York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the state of New-York.

ARTICLE SEVENTH. Criminal process issued under the authority of the state of New-York, against any person accused of an offence committed within that state; or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made or to be made by that state, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the state of New-York, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the state of New-Jersey, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the state of New-Jersey, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest; or such property shall be under seizure, by virtue of process or authority of the state of New-Jersey.

New-York
criminal pro-
cess.

ARTICLE EIGHTH. This agreement shall become binding on the two states when confirmed by the Legislatures thereof respectively, and when approved by the Congress of the United States.

Agreement
to become
binding.

Done in four parts (two of which are retained by the commissioners of New-York, to be delivered to the governor of that state, and the other two of which are retained by the commissioners of New-Jersey, to be delivered to the governor of that state,) at the city of New-York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the independence of the United States, the fifty-eighth.

Date of agree-
ment.

(Signed,)

B. F. BUTLER

THEO. FRELINGHUYSEN,

PETER AUGUSTUS JAY,

JAMES PARKER,

HENRY SEYMOUR,

LUCIUS Q. C. ELMER.

is hereby ratified and confirmed on the part of the state of New-York.

CHAP. 9.

AN ACT for the relief of Jane Nugent.

Passed February 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer shall pay on the warrant of the comptroller, to Jane Nugent, widow of John Nugent deceased, the sum of eighteen dollars and eight cents, being the amount due him for his services as a clerk in the comptroller's office from the first to the eleventh of October, one thousand eight and hundred thirty-three.

CHAP. 10.

AN ACT reducing the duties upon salt manufactured in any of the counties of this state.

Passed February 12, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be paid and collected upon all salt manufactured in any of the counties of this state, a tax or duty of six cents per bushel of fifty-six pounds weight, which duties shall be appropriated as declared in the second title, ninth chapter and first part of the Revised Statutes of this state.

§ 2. The second section of the first article, tenth title, ninth chapter and first part of the Revised Statutes, in relation to the duty on salt, is hereby repealed.

CHAP. 11.

AN ACT explanatory of "An act for the erection of a court house and jail in the county of Kings," passed April 25, 1833.

Passed February 17, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The second section of the act entitled "An act for the erection of a court-house and jail in the county of Kings," passed April 25, 1833, is hereby declared in its

was interpretation, to authorize the supervisors therein named, to create the public stock, in said section mentioned, as well for the purpose of paying the consideration money of the site, or sites purchased, or provided, or to be purchased, or be provided as mentioned in the first section of said act, as for the purpose of erecting the buildings mentioned in said act.

§ 2. This act shall take effect immediately on the passing thereof.

CHAP. 12.

AN ACT to extend the time for the collection of taxes, in the town of Rotterdam, in the county of Schenectady.

Passed February 17, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collector of taxes of the town of Rotterdam shall renew his security in such manner as the supervisor of said town shall reasonably require, the time for the collection and making the returns of taxes shall be extended to the first day of April next; and the said collector shall continue to have, exercise and enjoy all the powers and authorities in relation to his office that he possessed previous to the day on which he should have made his return.

§ 2. This act shall take effect on the passage thereof.

CHAP. 13.

AN ACT to authorize the erection of a new court-house in the county of Chautauque.

Passed February 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Chautauque shall cause to be assessed and collected, in the same manner as ordinary county charges are by law directed to be assessed and collected, the sum of five thousand dollars in five equal annual instalments, beginning with the year of our Lord one thousand eight hundred and thirty-seven,

Money to be raised by tax.

for the purpose of building a new court-house in said county.

Building
commissioners.

§ 2. Thomas B. Campbell, of Westfield, and William Peacock and Martin Prendergrast, of Mayville, in said county, are hereby appointed commissioners to contract for and superintend the building of the said court-house; and in case either of the said commissioners shall die, resign, or refuse to serve, the supervisors of said county shall supply the vacancy; and a majority of such commissioners shall in all cases have power to act under the provisions of this act.

To enter into
a bond.

§ 3. The said commissioners, before they shall enter upon the duties enjoined upon them by this act, shall each of them enter into a bond, with security, to be approved of by the treasurer of said county, in the penal sum of ten thousand dollars, to the supervisors of the said county, for the due and faithful performance of the trust reposed in them; and the said commissioners shall receive for their services one dollar and fifty cents per day, for each day they may be actually employed in the duties of their office, and their accounts shall be audited by the board of supervisors, and paid as other contingent charges of the county.

Treasurer
may borrow
money.

§ 4. If before the said moneys shall be collected, the said commissioners, or a majority of them, shall certify to the treasurer of the said county, that the whole amount contemplated by the first section of this act, or any specified proportion thereof, will be required for the fulfilment of any contract made by them in the performance of their trust, it shall thereupon be the duty of the said treasurer, and he is hereby authorized to borrow, on the credit of the county, the amount specified in such certificate, and to reimburse the same, with annual interest thereon, out of the moneys to be collected by virtue of this act, as soon as the same shall come into his hands.

Interest.

§ 5. It shall be the duty of the said treasurer to report annually to the said board of supervisors, the amount of interest becoming due in such year, upon any loan which may have been effected by virtue of the fourth section of this act, which amount shall be audited by the said board, and paid as other contingent charges of the county are paid.

Commissioners to draw
on treasurer.

§ 6. The said commissioners shall have full power to draw upon the treasurer of said county, from time to time, for such moneys as may be required for the purposes contemplated by this act, and the said treasurer is hereby directed to pay over to them, or a majority of them, any

moneys in his hands which may have been collected in pursuance of this act, exclusive of the amount collected for interest due upon loans.

§ 7. The commissioners appointed by virtue of this act, To account shall at all times when required by the supervisors of said county, account with them for the faithful expenditure of all the moneys received by them, or either of them, by virtue of this act.

§ 8. The said court-house shall be built upon one of the Location of court house. public squares in the village of Mayville, or on such other lot of ground in the vicinity of the new jail, as some proprietor of land in that village shall convey, and assure to the said county, in fee simple, free of expense, and the said commissioners shall accept.

CHAP. 14.

AN ACT *authorizing the trustees of school district number twelve, in the town of Chenango, to sell a school lot.*

Passed February 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Vincent Whitney, Samuel Smith and Samuel S. Hill, trustees of school district number twelve, in the town of Chenango, or their successors in office, are hereby authorized to sell and convey, in fee simple, the lot belonging to the said district, and on which their school-house stands, and to apply the proceeds to the purchase of another lot and the erection of a new building for the benefit of the said district.

CHAP. 15.

AN ACT *for the relief of Jacob Spalding, collector of the town of Bleecker, county of Montgomery.*

Passed February 21, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The official acts of Jacob Spalding, of the town of Bleecker, county of Montgomery, as collector of said town, done and performed prior to the passage of this act, are hereby ratified and confirmed in as full and complete a

manner as if the said Spalding had been legally elected or appointed to said office.

§ 2. This act shall take effect immediately after its passage.

CHAP. 16.

AN ACT in relation to town meetings.

Passed February 21, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The time for holding town meeting shall include the first Tuesday in February and the first Tuesday in May; and all town meetings which have been held on either of those days, shall be as valid and effectual as though they had been held on any Tuesday between those days.

CHAP. 17.

AN ACT to amend an act entitled "*An act to subject certain debts owing to non-residents to taxation,*" passed April 27, 1833.

Passed February 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled "*An act to subject certain debts owing to non-residents to taxation,*" passed April 27th, 1833, shall not be so construed as to subject any debt owing to the school fund of the state of Connecticut to taxation under the provisions of the said act.

CHAP. 18.

AN ACT extending the time for the collection of taxes in the city of Albany.

Passed February 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collectors of taxes in the several wards of the city of Albany shall renew their securities respectively

in such manner as the supervisor of the ward shall reasonably require, the time for the collection and making the return of taxes shall be extended to the first day of April next.

§ 2. This act shall go into effect on the passage thereof.

CHAP. 19.

AN ACT to alter the name of the town of Depau, in the county of St. Lawrence.

Passed February 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. From and after the passing of this act, the town of Depau, in the county of St. Lawrence, shall be known and distinguished by the name of Hermon.

CHAP. 20.

AN ACT to authorize the Mohawk and Hudson rail-road company to increase their capital stock, and for other purposes.

Passed February 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Mohawk and Hudson rail-road company are hereby authorized to increase their present capital stock, by adding thereto such sum, not exceeding two hundred and fifty thousand dollars, as the president and directors thereof may deem necessary; the said increase of stock to be divided into shares of one hundred dollars each; or if, in the opinion of the said directors, it shall be deemed for the interest of the said company, to borrow the money necessary to complete said roads and works authorized by its charter, the said company are hereby empowered to borrow for those purposes, a sum not exceeding two hundred and fifty thousand dollars, and to give such security for the loan, by way of pledge, of the property of said company or otherwise, as the said directors may determine: and the said company are hereby allowed the period of one year from the first day of April next, to construct, finish, and put in operation their said roads.

Subscrip-
tions.

§ 2. In case the directors of the said company shall not elect to borrow the said sum of two hundred and fifty thousand dollars, they, or a majority of them, shall, within sixty days after the passage of this act, at some suitable place in the city of New-York, open books to receive subscriptions to the stock hereby created; and twenty days' public notice shall be given by said directors, of the time and place of the opening of said books, in two of the public newspapers printed in the city of New-York, and one printed in the city of Albany; the said books shall remain open for two successive days, under the direction of a majority of said directors, and the sum of five dollars on each share subscribed for, shall be paid to the said directors at the time of making said subscriptions.

Distribution
of stock.

§ 3. As soon as may be after the said books are closed, the said directors, or a majority of them, shall proceed to distribute the said stock among the subscribers thereto; and in case there shall be subscriptions to more than the amount of such stock, within the time in the last section specified for keeping open the said books, it shall be the duty of the said directors, or a majority of them, to apportion the same among the subscribers thereto, in such manner as they shall deem most advantageous to the interests of said company.

Payments.

§ 4. It shall be lawful for the said directors to require payment of the sums subscribed to said stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments made thereon, and shall give notice of the payments thus required to be made, and of the time and place where the same are to be paid, at least thirty days previous to the time specified for the payment of the same, in a public newspaper published in the city of New-York, and in one published in the city of Albany.

Money may
be borrowed.

§ 5. In case there should not be a sufficient amount of the stock hereby created subscribed for within the time in this act provided for keeping open the said books of subscription, in the judgment of said directors, to provide for the payment of the debts of the said company, and to complete their roads and works and putting the same in operation, the said company are hereby authorised and empowered to borrow in the manner herein before provided, such sum as, together with the amount of said stock that shall be subscribed for, shall be necessary to pay said debts, and complete said roads and works; provided that the sum thus to be borrowed, together with the amount of stock thus subscribed for, shall not exceed the said sum of two hundred and fifty thousand dollars.

§ 6. It shall not be lawful for the said corporation, at any time, to purchase any docks, wharves or other real estate, except such as may be occupied by the line of said road, or by such ware-houses as are hereinafter mentioned, nor to erect any buildings, tenements, or other improvements, except such ware-houses as may be absolutely necessary for the protection of such property as may be transported on said road, and the safe keeping of the engines, cars, carriages and horses belonging to such corporation. Restriction

§ 7. The legislature shall have power at any time hereafter to alter, modify or repeal this act, and the act creating the said corporation, and all acts amending the same. Power to repeal.

§ 8. This act shall take effect immediately after the passage thereof. Act to take effect

CHAP. 21.

AN ACT *authorizing the corporation of the city of Troy to borrow money, and to raise money by tax.*

Passed February 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Troy, to borrow a further sum of money, not exceeding fifty thousand dollars, to be applied to the completion of the water-works of the said city, and to no other purpose whatever. And also to borrow the further sum of twelve thousand dollars, to be applied to the payment of expenditures incurred by the said corporation in the purchase of an additional parcel of land, and in enlarging the buildings for the accommodation of the female seminary of the said city, and to no other purpose whatever. And to secure to the lender or lenders, the punctual payment of the interest and principal of the sums so to be borrowed, to make and execute to the lender or lenders, such and the like bond or bonds, mortgage or mortgages, and other securities, as is provided in and by the act entitled "An act in relation to the Troy Water works company, and for insuring to the city of Troy a supply of water for the extinguishment of fires, and other purposes," passed the 20th day of March, 1832. Money may be borrowed.

§ 2. In case the monies arising from the rents of water from the water-works of said city, shall not be sufficient in any one or more years to pay incidental expenses of Incidental expenses & interest.

the said works, and the interest of the monies hired or to be hired for the purpose of their construction, it shall be and hereby is made the duty of the said mayor, recorder, aldermen and commonalty, to cause to be assessed, levied and collected, at the same time and manner as other contingent expenses of the said city are assessed, levied and collected, such sum or sums of money as may be necessary to make good such deficiency, and to apply the same to the payment of such interest.

Female sem-
inary ac-
counts.

§ 3. Hereafter the accounts of all matters concerning the said female seminary buildings and grounds, shall be kept by the chamberlain of the said city, separate and apart from the other accounts and concerns of the city, and all monies arising from the nett rents and income of the said buildings and grounds, after paying insurance and all other necessary expenses and repairs, shall be applied to the payment of the interest and principal of the said sum of twelve thousand dollars, which so as aforesaid may be borrowed, and to no other purpose whatever, until after the principal and interest of the said sum shall be fully paid and satisfied. This restraint shall not, however, be construed so as to prevent the application of any surplus income in such way as to save the loss of interest.

Annual tax.

§ 4. The corporation of the said city of Troy, shall be and are hereby authorized, annually hereafter, to raise by tax on the freeholders and inhabitants of said city, and taxable property therein liable to taxation for and towards the county taxes, a sum not exceeding twenty-five thousand dollars in any one year, for city purposes and for maintaining the navigation of the Hudson river, to be raised, levied and collected in the following manner: six-tenths of any sum to be levied and collected in any one year from the freeholders, inhabitants and taxable property of the first, second, third and fourth wards of said city; and four-tenths thereof from the freeholders, inhabitants and taxable property of the whole city.

CHAP. 22.

AN ACT altering the name of Sarah L. Matteson.

Passed February 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. From and after the passage of this act, Sarah L. Matteson, of the town of Westmoreland, in the county

of Oneida, shall be called and known by the name of Sarah L. Tallcott.

CHAP. 23.

AN ACT relative to the election of the mayor of the city of New-York.

Passed March 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The electors of the city of New-York qualified to vote for charter officers, shall, at the annual election for such charter officers to commence on the second Tuesday in April, elect the mayor of the said city. Mayor to be elected.

§ 2. The inspectors of every such election, for each ward of the said city, shall have a separate box for the reception of all ballots that may be given for the mayor of said city at every such election, which box shall be under the same regulations as the other box or boxes used at such elections: and the ballots to be given for the mayor of the said city shall be endorsed "Mayor." Ballot Box.

§ 3. All the provisions of law now in force in regard to the notification, duration and conduct of elections for members of assembly, and in regard to the appointment, power and duties of the inspectors holding the same, shall apply to the annual election of the said mayor. General provisions.

§ 4. The said mayor shall be sworn into office on the second Tuesday in May in each year, and his oath of office shall be filed in the office of the clerk of said city and county within two weeks thereafter. Mayor when to be sworn.

§ 5. All the provisions of law respecting the office of mayor of the city of New-York, which were in force at the time of altering, by law, the mode of appointing the said mayor, and of rendering the said office elective, and which have not been repealed or changed by the amendment made to the constitution in respect to the said office, or by this act, shall apply to the said office of the mayor of the city of New-York, so to be elected, in like manner as if such alteration in the mode of appointment to the said office had not been made. General provisions.

CHAP. 24.

AN ACT to revive the act entitled "*An act to incorporate the village of Fort-Plain, in the county of Montgomery.*"

Passed March 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The act entitled "An act to incorporate the village of Fort-Plain, in the county of Montgomery," passed April twenty-fifth, one thousand eight hundred and thirty-two, is hereby revived, and declared to be in full force and effect for all the purposes therein mentioned. The first election for trustees shall take place on the first Tuesday of June next, in pursuance of the third section of the act hereby revived.

§ 2. This act shall take effect immediately after its passage.

CHAP. 25.

AN ACT authorizing the supervisors of the county of Sullivan to sell their poor-house, and the farm connected therewith.

Passed March 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The supervisors of the county of Sullivan shall be and they are hereby authorized to sell and convey in fee simple the poor-house and farm connected therewith, situate in the town of Thompson in the said county of Sullivan; and the proceeds of the sale of said poor-house and farm shall be applied to the purchase of another farm, and the erection of such new or additional buildings as may be necessary for the accommodation of such of the paupers of said county as may be sent to said poor-house.

CHAP. 26.

AN ACT to change the corporate name of St. Peter's church, Aurelius, to that of St. Peter's church, Auburn.

Passed March 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The corporation now known by the name and style of St. Peter's church, Aurelius, shall hereafter be called and known by the name of St. Peter's church, Auburn, and shall be authorized to adopt and use a new seal bearing such name.

§ 2. Nothing herein contained shall operate to affect any existing estate, right, title, interest or contract, appertaining to or in any way concerning the said corporation.

CHAP. 27.

AN ACT to incorporate the Hibernian Benevolent Association of the city of Troy.

Passed March 7, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be established and located in the city ^{Name.} of Troy, a charitable society, by the name of the "Hibernian Benevolent Association of the city of Troy."

§ 2. Patrick Percil, Patrick Broughin, John Hogan, ^{Corporation created.} Patrick Hinner, Barney Reynolds, Samuel S. Russell and such other persons as are or may become members of said association, are hereby constituted a body corporate by the name aforesaid.

§ 3. The objects of said association are charitable, and ^{Objects.} to afford relief to its members in cases of sickness and infirmity.

§ 4. The corporation shall have power to prescribe ^{By-laws.} rules and regulations for the admission of its members, and their government; election of its officers and their duty, and expelling any of its members for not observing its laws.

§ 5. The annual income of the real and personal ^{Income.} estate which the said corporation may at any time hold, shall not exceed two thousand dollars.

General
powers.

§ 6. The corporation shall possess the general powers, and be subject to the general restrictions and liabilities, prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

Right to re-
peal.

§ 7. The legislature may at any time modify, alter or repeal this act or any of its provisions.

CHAP. 28.

AN ACT authorizing a further loan to the county of Cayuga, to complete the new stone jail in said county.

Passed March 7, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Loan of
\$1,000.

§ 1. The treasurer of this state, upon the warrant of the comptroller, to be drawn for that purpose, is hereby directed, out of any moneys in the treasury belonging to the capital of the common school fund, to pay to Bradley Tuttle, Truman J. McMaster and Joshua Hoskins, or any two of them, commissioners for building a new stone jail in the county of Cayuga, the sum of one thousand dollars, to be expended and applied by them in completing said jail; which sum of one thousand dollars shall be charged in the books of the comptroller as a debt due from the county of Cayuga to the people of this state, with interest thereon at the rate of six per centum per annum; and the said debt shall belong to the common school fund.

Certificate to
be produced.

§ 2. The commissioners at the time of receiving the comptroller's warrant for the said sum of one thousand dollars, shall produce to the comptroller a certificate made by the treasurer of the county of Cayuga, that they have executed to the said county a bond, with sureties approved by the said treasurer, in the penal sum of five thousand dollars, to account to the board of supervisors of said county, when thereunto required, for the faithful expenditure and application of the sum of one thousand dollars in the manner hereinabove directed; and the comptroller at the time of issuing such warrant, shall take the receipt of the said commissioners for the said sum.

Tax.

§ 3. The board of supervisors of the county of Cayuga, are hereby directed at their annual meeting, to be held in the year one thousand eight hundred and thirty-four, in addition to the sums of money by the third section of the act of February twenty-seventh, one thousand eight hundred and thirty-three, directed to be levied and

collected from the taxable inhabitants of the county aforesaid, to cause to be levied the said sum of one thousand dollars, with the interest thereon, until the third Tuesday of February, one thousand eight hundred and thirty-five, over and above all expenses of collecting the same.

§ 4. It shall be the duty of the treasurer of the county of Cayuga, on or before the third Tuesday in February, one thousand eight hundred and thirty-five, to pay into the treasury of this state, the said sum of one thousand dollars, with the interest thereon; and on such payment being made, the debt of the said county for the said sum and interest shall be extinguished. Loan to be paid.

§ 5. This act shall take effect immediately after its passage. Act to take effect.

CHAP. 29.

AN ACT to raise money in the county of Genesee, for the improvement of bridges in the town of Pembroke.

Passed March 7, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be the duty of the board of supervisors of the county of Genesee, at their next annual meeting, to cause to be levied, collected and paid to the county treasurer of said county, in the same manner as other contingent charges of said county are by law directed to be levied, collected and paid, the sum of five hundred dollars, together with treasurer's and collector's fees thereon, to be applied in the improvement of bridges in the town of Pembroke in the said county. The sum of \$500 to be raised.

§ 2. The said sum of five hundred dollars, when collected and paid to the county treasurer, shall be subject to the order of the commissioners of highways of the said town of Pembroke, whose duty it shall be to apply the same towards building or repairing the bridges in said town; and they shall account for the same in like manner as for other moneys which shall come to their hands for the improvement of roads and bridges. How to be applied.

CHAP. 30.

AN ACT to revive an act entitled "*An act to incorporate the Oneida Insurance Company,*" passed March 23, 1832, and to extend the time for organizing the same.

Passed March 7, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Act revived.

§ 1. The act entitled "*An act to incorporate the Oneida Insurance Company,*" passed March 23, 1832, is hereby revived and continued in force from the time of the passing of this act, until the expiration of the term for which the said company has been incorporated.

Time allowed to organize.

§ 2. Further time is hereby allowed until the first day of December next, for the organization of the said company, for the payment or securing of the capital stock thereof, for the making and filing an affidavit thereof as required by the statute in such case made and provided, and for the commencement of operations by the said company.

CHAP. 31.

AN ACT further to amend the charter of the village of Lansingburgh.

Passed March 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Annual election.

§ 1. The annual election for electing village officers of the village of Lansingburgh, shall hereafter be holden on the first Monday of April annually, instead of the third Tuesday of May, as provided in the act incorporating said village, passed February 16, 1798; and that in addition to the persons now entitled by law to vote for trustees, every taxable inhabitant actually taxed on the assessment roll of the town of Lansingburgh, and residing in said village, shall be entitled to vote for trustees of said village.

Watering the streets.

§ 2. It shall be lawful for the trustees of said village, upon the petition of a majority of the owners and occupants of the lots on any street in said village, and on which buildings are erected, to order and direct the watering or sprinkling of so much of any such street, as they may think proper, with water in dry weather, and to levy

and collect the expense of such watering or sprinkling of such street, of the several owners or occupants of such lots, by a just and equitable assessment upon the same, to be made by the assessors of said village, in the same manner as the assessments for improvements in said village are made; and when such assessments are completed, to collect the same in the same manner that the taxes of said village are collected.

CHAP. 32.

AN ACT to incorporate the Fire Department of the city of Hudson.

Passed March 10, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All such persons as now are or hereafter shall be the chief or sub-engineer, or who now do or shall belong to the board of fire wardens, to hook and ladder, hose or engine companies, in the city of Hudson, and who shall conform to the by-laws to be enacted by the trustees hereinafter mentioned, shall be a body corporate by the name of "The Fire Department of the city of Hudson." Corporation created.

§ 2. The real and personal estate of said corporation shall not exceed the sum of ten thousand dollars. Estate.

§ 3. The trustees of said corporation shall consist of the chief engineer, so long as he shall be elected by the fire department of said city, and of one member from each hook and ladder, hose and engine company, to be chosen by their respective companies, and one from the board of fire wardens, to be chosen in like manner: but in case any company or board shall neglect or refuse to choose its trustee as herein directed, the board of trustees shall consist of those chosen by the other companies until the vacancy shall be properly filled. Trustees.

§ 4. Such trustees shall be chosen on the last Monday of December in each year, and shall enter upon the duties of their office on the first Monday of January thereafter, and shall hold their offices for one year and until others are elected in their stead. The first election to take place within thirty days after this act shall take effect. When to be chosen.

§ 5. The trustees shall annually, and in the month of January in each year, choose out of their body, one president, one vice-president, one secretary and one treasurer, President & other officers

and from time to time fill any vacancy which may happen in said offices.

Management of affairs. § 6. The trustees shall manage the affairs and dispose of the funds of the corporation for such charitable objects as may be recognized by the by-laws of the corporation.

Meetings of trustees. § 7. The trustees shall meet quarterly on such days in the months of January, April, July and October in each year, as the by-laws shall designate, and at such other times as the president shall call them together.

Treasurer to give security. § 8. The treasurer shall give such security as the trustees may require for the faithful performance of his trust, and shall report the state of the funds at such times as the trustees shall require.

Officers may be displaced. § 9. The trustees may displace for mal-conduct any of the trustees or officers of the corporation, and elect other officers in the place of those displaced; and when a trustee is displaced, shall, within two days, give notice thereof to the board or company electing him, which board or company shall, within two days afterwards, elect some other person in his stead.

Vacancies. § 10. In case of any other vacancy in the office of trustee, such vacancy shall be filled for the remainder of the year, by the board or company in which such vacancy shall occur, at a special election to be called for that purpose, by the chief officer of the company or by the said trustees.

By-laws. § 11. The trustees shall have power to make by-laws, rules and regulations, touching the management and disposition of their funds; touching the meetings of the corporation; touching the duties and conduct of their officers and trustees, and touching all such other matters as appertain to the purposes for which this corporation is created.

Election. § 12. In case any election shall not be made on any day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be dissolved; but such election may be held in such manner as shall have been regulated by its by-laws.

Funds. § 13. The funds of the corporation shall consist of the sum already raised and in the hands of the chief and sub-engineers, and of a yearly payment not exceeding one dollar by each member of the corporation, to be collected in such manner as the by-laws shall point out.

Members. § 14. Every fireman, engineer or warden, who shall have served as such the time required by law, and who shall contribute to the funds, such sum as the by-laws shall

direct, may be a member of this corporation; but such fireman shall not have any voice in the election of trustees.

§ 15. This corporation shall possess the general powers as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter. General powers.

§ 16. The common council of the city of Hudson may appoint twenty-five men to each engine company, a number not exceeding twenty to each tub and hose, and a number not exceeding twenty-five to each hook and ladder company. Powers of common council.

§ 17. The chief and sub-engineers of the fire department shall enjoy all the privileges belonging to other firemen; and every person who has served as a fireman, shall have and enjoy the privileges of firemen, the same as if the common council had the authority given to them by the preceding section. Chief and sub-engineers.

CHAP. 33.

AN ACT for the relief of the purchasers of lots at Oneida Castleton.

Passed March 12, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The commissioners of the land-office shall cause a re-appraisal to be made of the lots at Oneida Castleton, belonging to certain purchasers of the state at public sale, on the eighteenth of March, one thousand eight hundred and seventeen; and the comptroller is hereby authorised and directed to give the purchasers such credits as will liquidate and settle their accounts with the state upon the principles of such re-appraisal.

§ 2. The credit to be allowed by the comptroller to said purchasers, by virtue of the first section of this act, shall be the difference between the appraisal of eighteen hundred and seventeen and the appraisal to be made by virtue of this act, and no other.

CHAP. 34.

AN ACT to incorporate the *Hibernian Benevolent Society, of the city of Utica.*

Passed March 14, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. There shall be established and located in the city of Utica a charitable society, by the name of "The Hibernian Benevolent Society of the city of Utica."

Members of the corporation.

§ 2. James McDonough, Patrick McCraith, John Quail, Michael Canady, Thomas McQuade, Lawrence Muzen, John C. Devereaux, Owen O'Neil, Thomas Mooney, Michael McQuade, John Murtaugh, John Anson, Patrick Dixon, Nicholas Devereux, Michael Murphy, John Hogan, and such other persons as are or may become members of said society, are hereby constituted a body corporate by the name aforesaid.

Objects of the society.

§ 3. The objects of said society are charitable, and to afford relief to its members, in cases of sickness and infirmity.

Powers of the corporation.

§ 4. The corporation shall have power to prescribe rules and regulations for the admission and expulsion of its members; the elections of its officers and their duty; the imposition of fines and penalties, and the collection of the same in its corporate name.

Annual income.

§ 5. The annual income of the real and personal estate which the said corporation may at any time hold shall not exceed five hundred dollars.

General powers.

§ 6. The corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

Election of officers.

§ 7. The said society shall, immediately after the passage of this act, call a meeting of its members for the purpose of electing its officers, who shall be one president, two vice-presidents, one treasurer, one secretary and three directors, who shall hold their offices one year, or until others shall be elected in their places at the annual meeting of said society.

Repeal.

§ 8. The Legislature may at any time modify, alter or repeal this act.

Act to take effect.

§ 9. This act shall take effect immediately on the passage thereof.

CHAP. 35.

AN ACT *authorising the commissioners of school money in the city and county of New-York, to use a part of the special school tax money raised in said city and county to pay their expenses.*

Passed March 14, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The common council of the city and county of New-York are hereby authorized to pay, out of the special school tax money raised for the support of common schools in the same, any sum not exceeding five hundred dollars in any one year, to the commissioners of school money in said city and county, for the incidental expenses attending their duty as commissioners, in visiting the schools entitled to a portion of the moneys raised by said tax.

CHAP. 36.

AN ACT *to alter the name of the town of Port-Bay in the county of Wayne.*

Passed March 17, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. From and after the passage of this act the town of Port-Bay, in the county of Wayne, shall be known and distinguished by the name of the town of Huron.

CHAP. 37.

AN ACT *to amend the act concerning escheats.*

Passed March 18, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The commissioners of the land-office may grant releases under the fifteenth section of the act, entitled "An act concerning escheats," passed April 29, 1833, in all cases where the alien through whom the title has passed was a resident of the United States, although the alien may not have filed such deposition, or taken such

In what cases commissioners may release.

incipient measures as are mentioned in the twelfth section of said act.

Amount be paid.

§ 2. Upon the execution of any release under the foregoing section, the commissioners shall require payment or security, pursuant to the directions of said act, of a sum not less than one fortieth part of the ascertained value of the lands released; subject however to the provisions of the nineteenth section of said act.

Debts may be deducted.

§ 3. In ascertaining the amount to be paid or secured on granting releases, under the first section of the act hereby amended, the commissioners may deduct from the ascertained value of the land, the debts which, under the fifth section of the act, would be a charge on the grantea of the lands released.

Act to take effect.

§ 4. This act shall take effect immediately after its passage.

CHAP. 38.

AN ACT concerning the proof of wills.

Passed March 18, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

When subscribing witnesses are sick or infirm.

§ 1. Whenever all or any of the subscribing witnesses to any will, heretofore executed and hereafter to be executed, reside within this state, and out of the county, to the surrogate of which county sole and exclusive power is given to take the proof of such will, and cannot by reason of infirmity or sickness attend before such surrogate to prove said will, the testimony and proof of such witness or witnesses may be taken in the manner hereinafter prescribed.

Proof to be made of such sickness or infirmity.

§ 2. Any person interested in the proof of said will, may, on the day specified in the notices or citations required by law, on which the proof of any such will shall be taken, present to such surrogate an affidavit, stating the names and residence of the subscribing witness or witnesses to such will whose attendance cannot be procured before said surrogate by reason of infirmity or sickness, accompanied by the affidavit of at least one disinterested person, that such witness or witnesses is or are so infirm or sick, as to afford reasonable grounds of their inability by reason thereof, to attend before such surrogate.

§ 3. If such surrogate shall be satisfied that the said witness or witnesses is or are so infirm or sick, that it is not probable their attendance could be procured within a reasonable time before him, he shall make an order directing the proof or testimony of such witness or witnesses to be taken before the surrogate of the county in which such witness or witnesses reside, at such time and place within said county, as shall be therein specified, and may annex the will to said order; notice of such examination shall be given to all parties concerned, in such manner as such surrogate shall specify in said order.

Testimony
how to be taken.

§ 4. The surrogate before whom the said testimony or proof shall be directed to be taken, shall have power to take the same, and may issue subpoenas under his seal of office to compel the attendance of any such witness or witnesses for the purpose aforesaid, and may adjourn the taking of such proof or testimony, if necessary, from the day and place appointed in said order, to such other time and place in said county as he shall appoint. Such surrogate shall not take such proof or testimony, until it shall be proved to his satisfaction that notice of such examination has been duly served, as specified in said order.

Power of surrogate taking testimony or proof.

§ 5. The proof or testimony so taken as aforesaid, shall be reduced to writing by the said surrogate, and be read to and subscribed by the witness; and when so subscribed, shall be certified by such surrogate under his seal of office, and forthwith forwarded to the surrogate making the aforesaid order.

To be reduced to writing.

§ 6. Such proof or testimony so certified as aforesaid, shall be filed by the surrogate authorised to take the proof of such will, and shall be received by him as evidence on proving such will, subject to all legal exceptions.

To be filed.

§ 7. The surrogate taking such proof or testimony, shall be entitled to receive therefor the like fees as for similar services in causes pending before him, to be paid by the person requiring such proof or testimony to be taken, and to be allowed by the surrogate taking the proof of such will, in the same manner as if the said testimony had been taken before him.

Fees.

CHAP. 39.

AN ACT explanatory of an act entitled "An act to authorize the Mohawk and Hudson Rail-Road Company to increase their capital stock, and for other purposes," passed 28th February, 1834.

Passed March 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act authorizing the Mohawk and Hudson rail-road company to increase their capital stock, and for other purposes, passed 28th February, 1834, shall be so construed as to empower the said company, in making any loan authorized by said act, to allow the lender or lenders of the money so loaned, at his or their option, to convert the amount thereof into stock of said company, at par, within two years from the passage of this act.

§ 2. This act shall take effect immediately after the passage thereof.

CHAP. 40.

AN ACT to incorporate the Poughkeepsie Female Seminary.

Passed March 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Nathaniel P. Tallmadge, Jacob Van Benthuyssen, Walter Cunningham, Peter P. Hayes, Abraham G. Storm, Paraclete Potter, George P. Oakley, James Grant, junior, Elias Trivett, James Bowne, Henry Conklin, Steven B. Trowbridge, together with such other persons as may become members of the corporation hereby created, shall be, and they are hereby constituted and declared to be a body corporate and politic, by the name of "The Poughkeepsie Female Seminary."

Capital
stock.

§ 2. The capital stock of the said corporation shall not exceed the sum of twenty-five thousand dollars, and shall be divided into shares of one hundred dollars each.

Real estate.

§ 3. The corporation hereby created, shall be forever capable in law to purchase, take, receive, hold and enjoy, any estate real and personal whatsoever, to an amount not exceeding twenty-five thousand dollars, and to lease, sell and convey, or otherwise dispose of the same.

§ 4. There shall be forever hereafter, twelve trustees ^{Trustees} of the said corporation, who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees of the said corporation shall be Nathaniel P. Tallmadge, Jacob Van Benthuyzen, Walter Cunningham, Peter P. Hayes, Abraham G. Storm, Paraclete Potter, George P. Oakley, James Grant junior, Elias Trivett, James Bowne, Henry Conklin and Stephen B. Trowbridge, who shall hold their offices until the first Tuesday of January, in the year one thousand eight hundred and thirty-five, and until others shall be elected in their places.

§ 5. There shall be on the first Tuesday of January, ^{General meeting.} in the year one thousand eight hundred and thirty-five, and the first Tuesday of January in every succeeding year, a general meeting of the members of the said corporation, at some convenient place in the village of Poughkeepsie, to be designated by the by-laws of the said corporation; and a majority of the members who shall meet in person and by proxy, shall elect by ballot twelve of their members to be trustees of the said corporation for the year then next ensuing.

§ 6. The trustees of said corporation shall have power ^{Officers.} to choose out of their number, a president, a treasurer and secretary, who shall immediately enter upon their offices, and to hold the same from the time of such election for one year, and until others shall be chosen and appointed in their stead; and in case any of the trustees shall die or resign, refuse or neglect to act, then and in every such case, the remaining trustees shall and may, within thirty days thereafter, elect by ballot other members of the said corporation in their stead, who shall hold their office until the first Tuesday in January then next ensuing, and until others shall be chosen in their stead.

§ 7. Each member shall be entitled to one vote for ^{Votes.} each share of which he shall be the holder; and the said trustees shall receive subscriptions for shares in said corporation, until the capital stock shall be subscribed; the said shares shall be assignable and transférable according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

§ 8. In case it should at any time happen, that an ^{Election.} election of the trustees should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved; but that it shall and may be lawful on any other day, to hold an election for

trustees, in such manner as shall be provided by the laws and ordinances of the said corporation.

Literature
fund.

§ 9. The said seminary shall not be entitled to any share or proportion of the income of the literature fund until the regents of the university shall be satisfied that the said seminary has complied with all the requisites which would authorize and induce the regents to incorporate the same, and in that case the said corporation shall be entitled to its distributive share of said income, subject to the regulations and restrictions applicable to the academies incorporated by said regents.

General pow-
ers.

§ 10. The corporation hereby created shall possess the powers and be subject to the provisions contained in the third title of the eighteenth chapter and the first part of the Revised Statutes.

Right to re-
peal.

§ 11. The legislature may at any time alter, modify or repeal this act.

CHAP. 41.

AN ACT to provide for the erection of a new Court-House in the county of Cayuga.

Passed March 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Building
commission-
ers

§ 1. Bradley Tuttle, Truman J. McMaster and Joshua Hoskins, are hereby appointed commissioners to build a new court-house for the county of Cayuga. Before commencing to build such court-house, the said commissioners shall jointly execute a bond in the penalty of thirty thousand dollars, or severally execute bonds in the penalty of ten thousand dollars each, to the county of Cayuga, with sureties to be approved by the treasurer of the said county, with a condition for the faithful accounting respectively, by the said commissioners, to the board of supervisors of the said county when thereunto required, for all sums of money which shall come to their hands, for the purpose of erecting the said court-house; and the said bond or bonds shall be filed in the office of the treasurer of said county.

Site of court
house.

§ 2. The said court-house shall be erected upon the court-house lot in the village of Auburn; and the said commissioners are hereby authorized to remove the court-house now standing on the said premises, whenever it shall be necessary for the purpose aforesaid.

§ 3. The board of supervisors of the said county are hereby directed, at their annual meeting, in each of the years one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight, to cause to be levied and collected, from the taxable inhabitants of the said county, the sum of two thousand and five hundred dollars, over and above the expenses of collection, and in the year one thousand eight hundred and thirty-nine, the sum of one thousand and five hundred dollars, over and above the expenses of collection; which said several sums of money, when collected, shall be paid to the said commissioners, or any two of them, on their giving to the treasurer of the said county their receipt for the same, and shall be expended in and about the erection and completion of the said court-house.

Supervisors
to raise money
by tax

§ 4. Whenever in the opinion of the judges of the court of common pleas of the said county, or a majority of them, the present court-house of said county shall have become untenable for the purpose of holding courts therein, the said judges shall designate, and from time to time may designate, such other place in the village of Auburn, for the purpose of holding courts as they may think proper; and on a rule of the court being made for that purpose, such other place shall become from that time, for all legal purposes, the court-house of the said county, until the judges of the said court of common pleas shall, by a like rule, declare that the new court-house of the said county is completed; and from and after the making of such last mentioned rule, the said court-house to be erected, shall be the court-house of said county. But nothing herein contained shall be construed to invalidate notices posted at the present court-house, or at any other place to be designated as aforesaid, previous to such rule of the court for changing the place of holding courts being made.

Judges to designate place
of holding court.

§ 5. From and after the first day of April, one thousand eight hundred and thirty-six, it shall be lawful for the comptroller of this state, on the application of the said commissioners, or a majority of them, to loan to the said county of Cayuga the sum of nine thousand dollars, being the aggregate of the sums hereinbefore directed to be raised, out of the capital of the common school fund, payable in instalments of two thousand and five hundred dollars per annum, with interest at the rate of six per centum per annum, for the purpose of building and completing the said court-house, in which case, the sum so loaned shall be paid to the said commissioners, or any two of them, and shall be charged to the said county in the books

Comptroller
may loan money to
commissioners.

of the comptroller; and the board of supervisors of said county shall cause to be levied in addition to the sums herein before directed to be levied, annually, a sum sufficient to pay the interest of the said sum so to be loaned; and it shall be the duty of the treasurer of the said county to pay the said sums of money herein before directed to be levied and collected, together with the interest thereof, into the treasury of this state, instead of paying the same to the said commissioners. It shall be lawful for the comptroller to make such loan at any time previous to the said first day of April, one thousand eight hundred and thirty-six, if the said commissioners shall produce to him a certified copy of a resolution of the board of supervisors directing such loan so to be made, and in that case, the supervisors of said county shall in each year cause the annual interest thereon to be levied, collected and paid.

Money when
to be expended.

§ 6. The said commissioners shall not proceed to expend any monies in and about erecting such new courthouse prior to the first day of April, one thousand eight hundred and thirty-six, unless such resolution shall be made by the said board of supervisors, as is mentioned in the fifth section of this act.

Pay of commissioners.

§ 7. The said commissioners shall be entitled to receive the sum of two dollars each, for each day actually employed in the performance of their duty as such commissioners.

CHAP. 42.

AN ACT *extending the time for the collection of taxes in the town of Brooklyn, in the county of Kings.*

Passed March 20, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. If the collectors of taxes of the town of Brooklyn shall renew their security in such manner as the supervisor of said town shall reasonably require, the time for the collection and making return of taxes of said town shall be extended to the first day of May next.

§ 2. This act shall take effect immediately on the passage thereof.

CHAP. 43.

AN ACT to amend the act entitled "*An act to incorporate the village of Ithaca,*" passed April 2, 1821, and the several acts amending the same.

Passed March 20, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. On the second Tuesday of April next, and on the first Tuesday of March in each year thereafter, the freeholders and inhabitants of the village of Ithaca, who are qualified to vote at town-meetings, may elect seven trustees, who are to be qualified in the manner, and, when chosen, shall possess the several powers and rights now vested in the trustees of the said village. Seven trustees to be elected.

§ 2. It shall be the duty of the assessors of the said village, whenever they have completed the assessment of any tax, according to the provisions of any act authorizing such assessment, to file a copy of their assessment roll with the clerk of the said village for public inspection, and also to post a notice that such assessment roll has been so filed, in three public places of said village, which shall be deemed sufficient notice to all persons interested; and any person considering himself aggrieved by any such assessments may appeal therefrom, according to the provisions of the act incorporating said village, at any time within twenty days after filing such assessment roll, and posting such notice, as above provided. Duty of assessors.

§ 3. The fourth section of the act entitled "*An act to incorporate the village of Ithaca,*" passed April 2, 1821, and any provisions of the said act, or of any act amending the same, inconsistent with the first section of this act, are hereby repealed. Section repealed.

§ 4. The trustees of the said village are hereby authorized to prohibit the erection of wooden buildings within one hundred feet of Owego-street, between Aurora and Cayuga-streets of said village, and to impose a penalty not to exceed five hundred dollars for the violation of any ordinance they may make prohibiting such erections, to be collected by an action of debt in the name of the said trustees, to the use of said village, in any court having cognizance thereof. Buildings how to be erected.

§ 5. This act shall take effect immediately on the passage thereof. Act to take effect.

CHAP. 44.

AN ACT for the relief of the Cohoes company.

Passed March 20, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Company
may con-
struct canals
& tunnels.

§ 1. The Cohoes company are authorized to construct such canals on their own lands, and to make such tunnels under the Erie canal, as shall not be injurious or dangerous to the canals of the state or the navigation on them; but such canals and tunnels of said company shall be located at such places, and be constructed in such manner, as the canal commissioners shall designate and direct; and upon such terms, conditions and limitations as in their opinion shall be necessary for the security of the canals of the state and the navigation on them.

Repairs.

§ 2. The canals and tunnels of said company, and all works connected with them, shall from time to time be repaired and improved at the expense of the company, in such manner as the canal commissioners may direct, and as may in their opinion be necessary for the security and preservation of the state canals and the navigation on them.

How to be
constructed.

§ 3. The canals and tunnels of said company and the works connected with them, shall at all times be so far under the control and direction of the canal commissioners, or the superintendents of repairs, as shall, in the opinion of the said commissioners or the legislature, be necessary and proper for the preservation, security, use or repairs of the Erie and Champlain canal, or either of them.

Power of the
canal com-
missioners.

§ 4. If at any time the canal commissioners shall, in the execution of the powers granted by this act, order or direct any repairs or improvement of the canals and tunnels of the said company, or either of them, or the works which may be connected therewith, and the said company shall, in the opinion of the canal commissioners, neglect to make the same, then the said commissioners shall have power to order and make such repair and improvement, and adjudge and determine the expense and cost thereof; or if at any time the Erie and Champlain canal, or either of them, or the navigation thereof, shall in the opinion of the canal commissioners sustain any injury or damage, from or by reason of the canals or tunnels of the said company, or either of them, or any works connected therewith, the said commissioners shall have power to adjudge and determine the amount of such injury or da-

mage; and the cost and expense of such repair or improvement, and the amount of such damage or injury, so ascertained and determined by the said canal commissioners, shall, from the passage of this act, be a lien and incumbrance on the lands and canals of the said company, and on all mills and machinery which may be operated by waters from the canals of the said company, to be enforced in like manner as mortgages of real estate may be enforced, and shall also be deemed a tax on the same canals, lands and other property, to be enforced and collected in such manner as the legislature shall provide by law.

§ 5. Whenever, in the opinion of the canal commissioners or of the legislature, it may be necessary to take from the company's pond or works any of the waters of the Mohawk river, the same may be taken for the use of the Erie and Champlain canal, or either of them, at such points and in such manner as the said commissioners or the legislature shall deem proper.

Water may be taken from pond.

§ 6. The legislature may at any time alter, modify or repeal this act.

Right to repeal.

§ 7. This act shall take effect immediately.

Act to take effect.

CHAR. 45.

AN ACT to repeal "*An act to appoint commissioners to lay out a road from German Flats, in the county of Herkimer, to Fort-Plain in the county of Montgomery,*" passed April 26, 1831.

Passed March 21, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The act entitled "*An act to appoint commissioners to lay out a road from German Flats, in the county of Herkimer, to Fort-Plain in the county of Montgomery,*" passed April 26, 1831, is hereby repealed.

CHAP. 46.

AN ACT to change the location of the northern termination of the Chenango canal.

Passed March 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Termination
of canal at
Utica.

§ 1. The canal commissioners are authorized to construct the Chenango canal on the most eligible route, terminating at the Erie canal at Huntington's basin, in the city of Utica, upon receiving within thirty days after the passage of this act, satisfactory security for the payment into the treasury of this state for the benefit of the canal fund, the sum of thirty-eight thousand six hundred and fifteen dollars, at such several times and to such amount at each time as may be called for by the canal commissioners, and may be required by the exigency of the work, so that the whole of the above sum may be paid within two years from the passage of this act; and also for the payment into the treasury of this state for the benefit of the canal fund, such sum of money as the canal commissioners shall pay to the several contractors, whose contracts shall be affected by such change in the said termination, when the amount thereof shall be ascertained by the said commissioners.

Proposals
for new con-
tracts.

§ 2. Upon receiving security as above provided, the said commissioners, without public notice or receiving sealed proposals, may proceed to contract for the construction of said canal on the route terminating at Utica, for such price as they shall deem fair and reasonable.

Old contracts
may be re-
linquished.

§ 3. The said commissioners in contracting for constructing said canal on the route terminating at Utica, are authorised to make equitable arrangements with individuals holding contracts on the route of said canal terminating at Whitesboro', by which they may relinquish their contracts on that route, and enter into contracts for similar or other work on the route terminating at Utica.

Act to take
effect.

§ 4. This act shall take effect immediately on the passage thereof.

CHAP. 47.

AN ACT to incorporate the Fishkill Iron Company.

Passed March 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. James Emott, Nathaniel P. Tallmadge, Walter Cunningham, James Hooker, Ira Spooner, Samuel B. Halsey, Rufus Fuller, Nathaniel P. Perry, Uriah Gregory, Solomon V. Frost, Aaron Frost, Teunis Brinkerhoff, Richard De Witt, Andrew Stockholm, John W. Brinkerhoff and Abner W. Spooner, and such others as may be hereafter associated with them for the purpose of mining and working ores, and manufacturing iron and steel in all the various branches, and vending the same, shall be and hereby are constituted a body corporate, in fact and in name, by the style of "The Fishkill Iron Company," to be located in the county of Dutchess.

Corporation created.

§ 2. The corporation hereby created, shall be in law capable of purchasing, holding, conveying and leasing, any and all necessary and convenient water powers, privileges and mill sites, with lands adjacent thereto, and any and all necessary and convenient wood, timber, and other lands in the counties of Dutchess and Putnam, for the purpose of carrying on the manufacturing operations and business of this corporation.

May purchase mill sites, &c.

§ 3. The capital stock of said company shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall be lawful for the said corporation, when and so soon as twenty thousand dollars of the capital stock shall have been subscribed and paid in, to commence its said business.

Stock.

§ 4. The subscription to said stock shall be opened under the direction of James Emott, Nathaniel P. Tallmadge, Walter Cunningham, James Hooker and Ira Spooner, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, at such times and places in the village of Poughkeepsie, as they shall appoint, giving at least fourteen days' previous notice of such time and place of receiving subscriptions, in one of the public newspapers printed in the said village of Poughkeepsie. The sum of five dollars on each share subscribed, shall be paid to the commissioners at the time of subscribing as aforesaid; and in case the amount of one hundred thousand dollars of said stock shall not be subscribed at the time so appointed, then the said commis-

Subscription.

sioners may, at such other time and place as they shall from time to time appoint, receive further subscriptions, until the whole capital stock shall have been subscribed for and taken up.

*Part of the
of stock*

§ 5. The commissioners shall proceed to distribute the capital stock of the corporation among the subscribers thereto, in such a manner as they shall deem most advantageous to the interests of the corporation; but no such distribution shall be made, until twenty thousand dollars of such stock shall have been subscribed.

Directors

§ 6. The stock, property, affairs and concerns of the corporation shall be managed and conducted by seven directors, each of whom shall be a stockholder to an amount not less than one thousand dollars, and shall be elected on the first Wednesday in April every year, at such place in the village of Poughkeepsie, as the board of directors shall by resolution appoint; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy, and the directors so chosen, shall as soon as may be after every annual election, elect by ballot one of their number to be their president, which president and directors shall continue in office one year and until others shall be chosen to fill their places; and a majority of the directors for the time shall form a board for the transacting of business, and if any vacancy or vacancies shall at any time happen of the president or directors, the remaining directors shall supply such vacancy or vacancies for the remainder of the year. Any director ceasing to own stock to the amount of one thousand dollars, shall cease to be a director, and his seat may be declared vacant. In case of the absence at any time of the president, the board shall have power to appoint a president pro tempore. Notice of the election of directors shall be published in one or more of the public newspapers published in the village of Poughkeepsie, at least fourteen days before the day assigned by the board for the election of directors.

*President &
directors.*

§ 7. James Emott shall be the first president of said company, and the said James Emott, James Hooker, Ira Spooner, Solomon V. Frost, John W. Brinkerhoff, Teunis Brinkerhoff and Walter Cunningham, shall be the first directors, who shall severally hold their offices till the first Wednesday of April, one thousand eight hundred and thirty-five.

*Calls on
stockhold-
ers.*

§ 8. The president and directors of said company may call for and demand of the stockholders, all such sums of

money as are by them respectively subscribed or held; which said sums said stockholders are hereby declared liable to pay at such times and in such proportions as the said president and directors shall deem best for the interest of the company; the said president and directors giving thirty days previous notice of such call or demand in one of the public newspapers printed in the village of Poughkeepsie; which payments may be made at the usual place of business of the company, or into either of the banks in Poughkeepsie to the credit of the company: and in case of failure to pay the same, the said president and directors may declare the shares of such stockholder so failing forfeited, and such shares, with all previous payments made thereon, shall be thereby forfeited and become the property of said corporation.

§ 9. No transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book to be kept by the president and directors for that purpose. Transfers.
The stock shall be deemed personal property.

§ 10. The said corporation shall continue during the period of forty years, and shall, in addition to the powers and privileges herein granted, possess the general powers and be subject to the general restrictions and liabilities prescribed in the eighteenth chapter of the first part of the Revised Statutes. Duration of charter.

§ 11. The legislature may at any time alter, modify or repeal this act. Right to repeal.

§ 12. This act shall take effect from the passage thereof. Act to take effect.

CHAP. 48.

AN ACT in relation to the county courts in the county of Madison.

Passed March 25, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The courts of common pleas and general sessions in the county of Madison, shall hereafter be held on the third Monday of June, and the first Mondays of October and February in each year. Time of holding courts,

§ 2. All writs, summonses, recognizances and other proceedings in the said courts of common pleas and general sessions of the said county of Madison, made returna-

sioners may, at such other time and place as they shall from time to time appoint, receive further subscriptions, until the whole capital stock shall have been subscribed for and taken up.

Distribution
of stock.

§ 5. The commissioners shall proceed to distribute the capital stock of the corporation among the subscribers thereto, in such a manner as they shall deem most advantageous to the interests of the corporation; but no such distribution shall be made, until twenty thousand dollars of such stock shall have been subscribed.

Directors.

§ 6. The stock, property, affairs and concerns of the corporation shall be managed and conducted by seven directors, each of whom shall be a stockholder to an amount not less than one thousand dollars, and shall be elected on the first Wednesday in April every year, at such place in the village of Poughkeepsie, as the board of directors shall by resolution appoint; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy, and the directors so chosen, shall as soon as may be after every annual election, elect by ballot one of their number to be their president, which president and directors shall continue in office one year and until others shall be chosen to fill their places; and a majority of the directors for the time shall form a board for the transacting of business, and if any vacancy or vacancies shall at any time happen of the president or directors, the remaining directors shall supply such vacancy or vacancies for the remainder of the year. Any director ceasing to own stock to the amount of one thousand dollars, shall cease to be a director, and his seat may be declared vacant. In case of the absence at any time of the president, the board shall have power to appoint a president pro tempore. Notice of the election of directors shall be published in one or more of the public newspapers published in the village of Poughkeepsie, at least fourteen days before the day assigned by the board for the election of directors.

President &
directors.

§ 7. James Emott shall be the first president of said company, and the said James Emott, James Hooker, Ira Spooner, Solomon V. Frost, John W. Brinkerhoff, Teunis Brinkerhoff and Walter Cunningham, shall be the first directors, who shall severally hold their offices till the first Wednesday of April, one thousand eight hundred and thirty-five.

Calls on
stockhold-
ers.

§ 8. The president and directors of said company may call for and demand of the stockholders, all such sums of

money as are by them respectively subscribed or held; which said sums said stockholders are hereby declared liable to pay at such times and in such proportions as the said president and directors shall deem best for the interest of the company; the said president and directors giving thirty days previous notice of such call or demand in one of the public' newspapers printed in the village of Poughkeepsie; which payments may be made at the usual place of business of the company, or into either of the banks in Poughkeepsie to the credit of the company: and in case of failure to pay the same, the said president and directors may declare the shares of such stockholder so failing forfeited, and such shares, with all previous payments made thereon, shall be thereby forfeited and become the property of said corporation.

§ 9. No transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book to be kept by the president and directors for that purpose. Transfers.
The stock shall be deemed personal property.

§ 10. The said corporation shall continue during the period of forty years, and shall, in addition to the powers and privileges herein granted, possess the general powers and be subject to the general restrictions and liabilities prescribed in the eighteenth chapter of the first part of the Revised Statutes. Duration of charter.

§ 11. The legislature may at any time alter, modify or repeal this act. Right to repeal.

§ 12. This act shall take effect from the passage thereof. Act to take effect.

CHAP. 48.

AN ACT in relation to the county courts in the county of Madison.

Passed March 25, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The courts of common pleas and general sessions in the county of Madison, shall hereafter be held on the third Monday of June, and the first Mondays of October and February in each year. Time of holding courts,

§ 2. All writs, summonses, recognizances and other proceedings in the said courts of common pleas and general sessions of the said county of Madison, made returna-

ble on the third Tuesday of June next, shall be considered as returnable on the third Monday of June next, and that all adjournments, appearances, continuances and notices of any proceedings in said courts respectively, shall be held to be made and taken to and for the third Monday of June next.

Repeal.

§ 3. So much of the Revised Statutes as is inconsistent with this act, is hereby repealed, and this act shall take effect immediately after its passage.

CHAP. 49.

AN ACT *confirming the official acts of Daniel Hebard, a justice of the peace in and for the county of Dutchess.*

Passed March 25, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Acts confirmed.

§ 1. All proceedings which have been had by and before Daniel Hebard, as a justice of the peace of the town of Poughkeepsie in the county of Dutchess, since the first day of January, one thousand eight hundred and thirty-one, shall be held to be of the same force, effect and validity as if the said Daniel Hebard had taken the oath required and in the time prescribed by the laws and constitution.

Forfeitures remitted.

§ 2. All liability and forfeitures incurred by the said Daniel Hebard for having executed any of the duties and functions of such office of justice of the peace, without taking the oath of office as required by law, are hereby remitted.

Saving clause.

§ 3. The passage of this act shall not affect or impair any suit or legal proceedings that may have been had or commenced in consequence of the invalidity of any proceedings before such justice.

Act to take effect.

§ 4. This act shall take effect immediately on the passage thereof,

CHAP. 50.

AN ACT to incorporate the Chemung turnpike road company.

Passed March 25, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, ^{Corporation created.} by the name and style of "The Chemung Turnpike Road Company."

§ 2. The corporation hereby created, shall possess the ^{General powers.} general powers and privileges, and be subject to the general liabilities of turnpike incorporations, as prescribed in the first title of the eighteenth chapter of the first part of the Revised Statutes of this state, except so far as the same shall be altered by this act.

§ 3. The capital stock of said corporation, shall consist ^{Stock} of two hundred and forty shares of twenty-five dollars each, and Jacob Lowman, Isaac Shepard and Ninolia T. Wynkoop shall be commissioners to open books and receive subscriptions; and the said commissioners may receive subscriptions for shares of stock, to be paid in labor from any person who may for that purpose become a contractor for making any section thereof.

§ 4. The said corporation may construct a turnpike ^{Route of road.} road, commencing at or near the east end of the lower narrows, (so called) and terminate at or near the west end of the upper narrows, (so called) following as near as may be, the track of the public highway leading from and to the above points.

§ 5. The said road may be constructed of such materials as the natural surface of the ground may afford, and of a width of not less than twenty feet, except where the steepness of sidehills, rocks or other obstacles, renders it impracticable or unnecessary in the opinion of the commissioners to complete it of that width, it shall be lawful for said company to make and complete it of such less width, and without a ditch on the lower side, as the commissioners may direct, but in no place, however, shall the said road be less than fifteen feet wide. ^{Road how to be made.}

§ 6. As soon as said road shall be completed and approved according to law, the said corporation shall be authorised to erect one toll gate, or two half toll gates on said turnpike road, and receive the following rates of toll for ^{Rates of toll.}

passing said toll gate, or half the following rates at each half toll gate if they should be erected. For every sulkey, chair, chaise, or any other carriage, waggon or cart drawn by one horse, mule or ox, six and a quarter cents; for every stage, waggon, coach, coachee, or any other carriage, waggon or cart drawn by two horses, mules or oxen, twelve and a half cents; for every additional horse, mule or ox attached to such carriage; waggon or cart, three cents; for every sleigh or sled drawn by two horses, mules or oxen, six and a quarter cents, and for every additional horse, mule or ox, three cents; for every sleigh or sled drawn by one horse, mule or ox, four cents; for every horse and rider, four cents; for every horse led or driven, two cents; for every score of cattle or mules, twelve and a half cents; for every score of sheep or hogs, six cents, and so in proportion for a greater or less number.

Right to re-
peal.

§ 7. The legislature may at any time alter, modify or repeal the act.

CHAP. 51.

AN ACT to incorporate the *Utica and New-Berlin McAdam turnpike company*.

Passed March 2d, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1 All persons who shall be stockholders pursuant to this act, are hereby constituted a body corporate, by the name of "The Utica and New-Berlin McAdam turnpike company."

Route of
road.

§ 2. The said corporation shall have the right to construct, and during its existence shall maintain and continue a good and permanent McAdam turnpike road, on the most direct and convenient route, from the city of Utica, through the village of New-Hartford, to the four corners in the village of Bridgewater; from thence, by the most direct and practicable route, to the village of New-Berlin, in the county of Chenango.

Stock.

§ 3. The capital stock of said corporation shall be one hundred and fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commission-
ers.

§ 4. Augustus C. Welch, Joshua Lamb, Noah Ely, Samuel Campbell, James Platt, Theodore S. Faxon, Jabez

De Wolf, Eli Savage and Henry Seymour, shall be commissioners to receive subscriptions to the capital stock of the corporation, and for apportioning the same among the subscribers, agreeable to the provisions of this act.

§ 5. The said commissioners for receiving subscriptions Payment for stock, may receive subscriptions for shares of stock, to be paid in materials or labor, from any person who may for that purpose become a contractor for making any part of said road.

§ 6. It shall be the duty of said commissioners, within Books of subscription one year after the passage of this act, to give notice once in each week for three weeks in succession, in one newspaper in each of the counties of Oneida, Madison, Otsego and Chenango, of the time when the books will be opened, at some convenient place in the city of Utica, and villages of Bridgewater and New-Berlin, for receiving subscriptions to the capital stock of said corporation: and one or more of said commissioners shall attend at the time and place appointed, by said notice for the opening of the said books, and for three days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of said corporation, from all persons who will subscribe thereto agreeably to this act.

§ 7. Each subscriber at the time he subscribes, shall First payment pay to the commissioners one dollar on each share of stock by him subscribed.

§ 8. If at the expiration of the time mentioned in the Distribution of stock sixth section of this act, it shall appear that more than the requisite number of shares have been subscribed, it shall be the duty of the commissioners to distribute the same among the subscribers in such manner as they shall deem equitable and proper.

§ 9. In case the capital stock shall not be fully taken up during the time specified in the preceding sixth section, it shall be the duty of the commissioners, from time to time, to take such further measures as they may deem necessary, in order to fill up the subscription of said stock. Additional subscriptions

§ 10. The concerns of said company shall be managed Directors by seven directors, to be chosen annually by and from among the stockholders.

§ 11. Within thirty days after the stock shall have been thus apportioned, the commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published once a week for three weeks successively, prior to the time therein appointed for such election, in a Meeting of stockholders

newspaper published in each of the counties of Oneida, Madison, Otsego and Chenango.

Election.

§ 12. At the time and place appointed for that purpose, the commissioners, or some of them, shall attend; and the stockholders, or their proxies duly appointed in writing, shall proceed to elect, by ballot, the requisite number of directors. The commissioners present shall preside at the election, and shall certify the result under their hands; which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All future elections shall be conducted in the manner prescribed by the by-laws of the corporation.

Votes.

§ 13. Each stockholder shall be allowed as many votes as he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice; but no stockholder shall be allowed to vote at any election after the first upon any stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.

Officers.

§ 14. The directors shall hold their offices for one year following their election, and until others are elected in their stead. They shall appoint one of their number as president, and a suitable person for secretary of the corporation; they may also appoint such other officers as the interest of the corporation may require, who shall hold their offices at the pleasure of the directors.

Surveys.

§ 15. The said directors, after the necessary surveys and examinations have been made by competent engineers appointed by them for that purpose, shall designate and determine the line, course or way on which said road shall be constructed, and shall file a map containing a description and profile of the road as located, in the clerk's office of the county of Oneida.

Road how to be made.

§ 16. The said road shall be laid out at least fifty feet, and may at the discretion of the directors be laid out four rods wide. Eighteen feet of said width shall be covered with pounded stone of durable quality, at least ten inches thick, so as to form a smooth surface, with a crown of four inches, and shall be constructed and maintained strictly upon McAdam's improved plan for constructing roads.

To be commenced in two years.

§ 17. The said corporation shall be allowed two years from the passage of this act for the commencement of the construction of said road, and in case the same shall not be completed within five years thereafter, the privileges herein granted shall be forfeited.

§ 18. As soon as said road is completed in manner afore- Rates of toll.
 said, it shall be lawful for the said corporation to erect
 four toll gates on the same, or so many half toll gates as
 shall be equal thereto, at such places as the said corpora-
 tion may deem best, provided no more than one half toll
 gate shall be placed within four miles of Utica, and that
 no such gate shall be so erected, that the distance between
 any two gates shall be less than four miles, and take and
 receive for passing the same, tolls not exceeding the fol-
 lowing rates, that is to say: For every chariot, coach,
 wagon, cart, or any other carriage drawn by two horses
 or other beasts, eighteen and three-fourth cents; for every
 additional horse or other beast, three cents; for every
 chaise, chair, sulkey, wagon, or other carriage drawn by
 one horse or other beast, nine cents; for every sleigh or
 sled drawn by two horses or other beasts, six and one-
 fourth cents; for every additional horse, two cents; for
 every sleigh or sled drawn by one horse or other beast,
 four cents; for every horse and rider or led horse, four
 cents; for every score of mules, horses or cattle, twelve
 and an half cents; for every score of sheep or swine, five
 cents, and so in proportion for a greater or less number
 of cattle, horses, mules, sheep or swine. If half toll gates
 shall be erected, then the said corporation shall take and
 receive for passing the same, only half the above rates of
 toll. The above rates of toll shall not be increased, but
 may be reduced by said corporation, should they deem it
 expedient: and as soon as eight miles of said road shall be
 completed, the said corporation may erect a gate on the
 same, and take and receive tolls for passing the same, at
 the rates above specified; and so on as often as eight miles
 shall be completed on any part of said road; provided, as
 above, that no more than a half toll gate is within four
 miles of Utica.

§ 19. The said corporation shall continue to be a body Duration of
 corporate and politic for the term of fifty years. act.

§ 20. The said corporation shall possess the general General
 powers and be subject to the general restrictions and li- powers.
 abilities prescribed in the first title of the eighteenth chap-
 ter of the first part of the Revised Statutes, except so far
 as the same are altered by this act.

§ 21. The legislature may at any time alter, modify or Right to re-
 repeal this act. peal.

CHAP. 52.

AN ACT to amend an act entitled, "*An act to establish a corporation for improving and making a turnpike road from Newburgh to New-Windsor,*" passed April 2, 1808.

Passed March 25, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Location may be changed.

§ 1. The president and directors of the Newburgh and New-Windsor turnpike road company, are hereby authorized to change the location of their road, so that it may pass on or near the margin of the river, instead of passing over the hill near the village of New-Windsor.

Commissioners to lay out road.

§ 2. Aaron Noyes, Samuel Parmenter and James G. Clinton, are hereby appointed commissioners, who, or any two of them, shall lay out said road according to the intent and meaning of the first section of this act, without favor or partiality, according to their best judgment and understanding, in such manner as shall best promote the objects of the corporation and the interest of the public; and shall cause an accurate survey and map of such alterations to be made and filed in the office of the clerk of the county.

Their pay.

§ 3. Each commissioner for each day he shall be necessarily employed in the performance of such duty, shall receive the sum of two dollars, to be paid, together with the expenses of surveys and maps, by the said corporation.

Appraisers of damages.

§ 4. Appraisers for the purpose of assessing the damages to be sustained by the owners of property through which this portion of the road shall pass, shall be appointed; and perform their duties in the manner provided by the first title of the eighteenth chapter of the first part of the Revised Statutes of the state of New-York.

Tolls.

§ 5. Instead of the tolls heretofore allowed to be demanded by the said company, for every chair, sulkey, chaise or cart, drawn by one horse, and for every chariot, coach, coaches, phaeton, stage, wagon or cart, or other four wheeled carriage, drawn by two horses, mules or oxen, the said company shall hereafter be authorized to demand and receive the following tolls, to wit: for every carriage, wagon or cart of whatever description, drawn by one horse, mule or ox, the sum of four cents; for every carriage, wagon or cart of whatever description, drawn by two horses, mules or oxen, six and one-quarter cents; and for every additional horse, mule or ox, two cents; the said company shall not be authorized to demand or receive any toll from foot passengers.

§ 6. This act shall not take effect unless the said president, directors and company of the Newburgh and New-Windsor turnpike road shall, within thirty days from the passage thereof, file a certificate of their assent to the same, in the office of the clerk in the county of Orange. Certificate to be filed.

§ 7. The legislature may at any time amend, alter, modify or repeal this act, or any of its provisions. Right to repeal.

CHAP. 53.

AN ACT to incorporate the Genesee manual labor seminary.

Passed March 27, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Harvey Putnam, Martin O. Coe, John Munger, Amos Kingsley, Richard Peek, Russel Whiting, and such other persons as may associate, are constituted a corporation, by the name of "The Genesee Manual Labor Seminary," to be located in the town of Bethany, in the county of Genesee, and by that name shall have succession, and may hold, purchase and convey real and personal estate, to the annual value of ten thousand dollars. Corporation created.

§ 2. The object of this institute, is the cultivation of all the branches of a literary and scientific education, in connexion with a more extensive application to the practical business of life, than is usual in our existing institutions, and by uniting manual labor with study, to promote vigor of bodily constitution, provide facilities whereby young men may attain an education, and to unite the advantages of a cultivated mind with the feelings and habits of a working population. Object.

§ 3. The concerns of said corporation shall be managed by fifteen directors; and the first directors shall be Harvey Putnam, Martin O. Coe, John Munger, Amos Kingsley, Richard Peek, Russel Whiting, Gilbert Crawford, Calvin Wells, Herbert A. Reed, Daniel T. Fowler, Phineas M. Ward, Augustus Frank, Moses Ordway, Martin C. Ward and Isaac Oaks. Directors.

§ 4. On the first Monday of June next, the directors shall be divided into three classes, of five each: the first class to hold their offices until the first Monday of June, one thousand eight hundred and thirty-five; the second until the first Monday in June, one thousand eight hun- Classes.

dred and thirty-six; the third until the first Monday of June, one thousand eight hundred and thirty-seven.

Election.

§ 5. On the first Monday of June, one thousand eight hundred and thirty-five, and annually thereafter, there shall be a meeting of the directors, or a majority of them, at such place in the town of Bethany, in the county of Genesee, as shall be designated by the president; and they shall proceed to elect five directors, who shall hold their offices for three years. The directors shall have power to choose a president, secretary and treasurer, who shall hold their offices for one year, and until others are elected. Harvey Putnam shall be the first president of the corporation, Russel Whitney* the first secretary, and Augustus Frank the first treasurer; who shall hold their offices until the first Monday of June, one thousand eight hundred and thirty-five, and until others are elected.

Vacancies.

§ 6. In case any of the persons so appointed or elected directors of the said corporation, shall die or resign before the time of their appointed service expires, or shall decline to act in or execute the said offices, then, and in every such case, the remaining directors of said corporation, or a majority of them, shall, within thirty days thereafter, by ballot, elect others instead of him or them so dying, resigning or declining to act.

Restriction.

§ 7. The said corporation shall not engage in any other business than that of encouraging and promoting education; and the proceeds of all their funds shall be appropriated to the objects properly connected therewith, and no other.

Treasurer to give bond.

§ 8. The directors, or a majority of them, shall require the treasurer of the corporation, before he enters upon the duties of his office, to give to the corporation a bond, in such penalty as the directors may require, for the faithful discharge of the duties of his office.

Literature fund.

§ 9. The said corporation shall not be entitled to any share of the literature fund, until it shall have complied with the rules prescribed by, and subjected itself to the visitation of the regents of the university.

General provisions.

§ 10. This corporation is subject to the provisions of chapter eighteen of the first part of the Revised Statutes.

* So in the original.

CHAP. 54.

AN ACT to authorize the board of supervisors of the county of Herkimer to raise money to complete the jail of said county.

Passed March 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Herkimer are hereby authorised to borrow, on the credit of the county, a sum or sums of money not exceeding two thousand three hundred dollars, payable in annual instalments, with annual or semi-annual interest, not exceeding seven per cent per annum, and to pay the said instalments and interest, from the money to be raised as hereinafter mentioned. Supervisors to borrow \$2,300.

§ 2. The comptroller is hereby authorised to loan to the board of supervisors of the county aforesaid, out of any moneys belonging to the common school fund and not invested, such sum or sums of money as the said board, or any persons acting under their authority and according to law, have borrowed on the credit of the county or are authorised to borrow on such credit, on such terms as, in the judgment of the comptroller and superintendent of common schools, shall be deemed advantageous to the school fund. Comptroller to loan said sum.

§ 3 The said moneys, or so much as shall be necessary shall be applied under their direction, to complete the new jail in said county and pay for the lot on which it stands. How to be applied.

§ 4. The board of supervisors of the county aforesaid, shall have power to constitute a committee, reserving to themselves full power and authority over such committee, to carry into operation the foregoing provisions of this act; and their compensation shall be fixed and allowed by the said board, and paid as other contingent charges of the county are paid. Committee.

§ 5. The board of supervisors of the county aforesaid, are hereby authorised to raise by tax upon the inhabitants of said county, to be levied and collected as other contingent expenses of the said county are now levied and collected, so much as, including collector's and treasurer's fees, shall be sufficient to pay and satisfy any debts contracted by virtue of the foregoing sections of this act; but the amount levied and collected in any one year, shall not exceed one thousand dollars. Money to be raised by tax

Clerk may
call a meet-
ing.

§ 6. The clerk of the board of supervisors aforesaid, on the request of any six of the supervisors of the county aforesaid, is hereby directed to call a meeting of said board.

Act to take
effect.

§ 7. This act shall take effect immediately after the passage thereof.

CHAP. 55.

AN ACT to extend the time for completing the Stephentown and Nassau turnpike road.

Passed March 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The time for completing the Stephentown and Nassau turnpike road, is hereby extended to the fourteenth day of April, in the year one thousand eight hundred and thirty-six.

CHAP. 56.

AN ACT to amend the twelfth article of title second, chapter seventeen, part first, of the Revised Statutes, entitled "Of the inspection of leaf tobacco in the city of New-York."

Passed March 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Leaf tobacco
to be inspect-
ed before
sold.

§ 1. No leaf tobacco of the growth of the United-States, which may be landed in the city of New-York, and which is packed in hogsheads or casks, shall be sold in or re-shipped from the said city, until it shall have been inspected, sampled, weighed, marked and branded, according to the provisions of this act, and the act hereby amended,

Exceptions.

§ 2. The preceding section shall not be construed to apply to any tobacco which may be landed in the said city for the purpose of trans-shipment to any other place, and which shall be actually re-shipped from the said city without having been sold therein, to any other port or place within ninety days after the same shall have been landed as aforesaid; nor to any tobacco which shall be exported in the same vessel in which it may have been im-

ported, without having been landed in the said city; nor to any tobacco stems, nor to any tobacco which has undergone any process of manufacture; particularly such as is usually denominated stemmed or stripped tobacco; nor to any leaf tobacco which shall be brought from any other state through one of the canals of this state, and which shall have been inspected, branded and tared according to the laws of such state.

§ 3. The said inspector of leaf tobacco for the city of New-York, shall provide good and sufficient ware-houses for the reception and safe keeping of all leaf tobacco which may be sent to him for inspection, sampling, weighing and marking, according to the provisions of this act and the act hereby amended. And he shall use all reasonable care or due diligence, safely to keep all casks and hogsheads of tobacco which may thus be delivered to him for inspection, while they remain in his possession; and the said inspector, in case of violation or neglect of this provision, to the injury of the tobacco, shall forfeit to the owner of any tobacco which may be damaged, the sum of ten dollars for every cask or hogshead injured by his neglect, besides the actual damages sustained by such owner.

Duty of inspector of leaf tobacco.

§ 4. The said inspector, either in person or by his deputy; shall also, when called upon for that purpose by the owner or consignee of any leaf tobacco, at all reasonable hours of the day, immediately proceed to any ware-house, or to any of the wharves in the city of New-York, where he may be required, for the purpose of inspecting any leaf tobacco, where it is practicable to perform the duties required in pursuance of this act.

§ 5. The said inspector, either in person or by his deputy, shall cause each and every cask which according to the provisions of this act it is made his duty to inspect, to be uncased, and broken in three places, viz.: in or near the centre, and at a distance of not less than ten inches from each end, and oftener if in his opinion the case may require it, in order to a full and fair examination of the tobacco, that he may see that it is fairly packed and free from trash; and it shall be his duty to draw from each place where any cask may have been so broken, a fair and impartial sample, of not less than four nor more than six heads or bundles of the said tobacco, as the same may lie together in the cask. And after a full and fair examination of each cask of tobacco, the said inspector or his deputy shall ascertain the actual tare or weight of such cask, and shall cause the same to be put in good order, and care-

Casks how to be inspected and branded.

fully coopered in a proper manner for exportation; the heads being each screwed within the chimbs of the casks; and well secured by lining hoops and nailed with wrought nails driven through the chimb hoop and clenched; and shall cause the same to be weighed; and in a legible manner with a marking iron, shall mark on one head and on the bilge of each and every cask the gross weight and actual weight or tare of such cask, and on each head of each and every cask in which the tobacco therein contained shall be honestly packed, free from trash and not damaged, the said inspector or his deputy shall brand with a branding iron the word "merchantable," together with the name in full of such inspector, with the month and year in which such tobacco was by him so inspected. But if any such cask of tobacco shall be falsely packed, contain trash, or be damaged, the said inspector or his deputy shall brand it "damaged" or "unmerchantable," or the owner or consignee thereof may, if he prefer, have it picked or assorted, and repacked, or the damage cut off, and have the said tobacco put in merchantable order, at his own expense and by his own workmen, when, if made merchantable, he shall so brand it.

Samples to
be marked.

§ 6. The said inspector shall attach together in a proper manner, the samples drawn from each cask as aforesaid, shall label, mark and number them with a mark and number corresponding with those which he shall put upon the cask from which said samples are drawn, together with the date of inspection, and shall affix thereto his seal; and the said samples so numbered, marked and sealed, together with a certificate of the gross weight and actual tare of each cask, and of the marks and numbers placed thereon by the said inspector or his deputy, shall be delivered to the owner or consignee of the said tobacco, and shall keep a corresponding register of all tobacco inspected by him, which shall be open to the use of the public.

Fees for in-
spection.

§ 7. For uncasing, breaking, sampling, ascertaining the actual tare and gross weight of each cask, and for marking, numbering, branding, coopering and delivering the same, with the samples marked, numbered and sealed as aforesaid, together with certificates for each cask, according to the provisions of this act, and for storing each cask one month, it shall and may be lawful for the said inspector to charge at and after the rate of two dollars for each and every cask so inspected as aforesaid; and if the tobacco so inspected, shall remain in the ware-house of the said inspector for a longer period than one month, such tobacco shall be liable to the charge of storage at the rate of twenty-five cents per cask per month; and a deduction of thir-

ty-seven and an half cents on each and every cask so inspected as aforesaid, shall be made by the said inspector on all tobacco inspected by him or his deputy at the warehouse of the owner or consignee thereof, or on any wharf in the said city. All fees allowed by this act to the inspector, shall be paid the one half by the owner or consignee, on the delivery of the certificates and samples, and the other half by the purchaser or receiver on the delivery of the tobacco, together with any extra storage which may have accrued.

§ 8. Any person or persons who shall sell in the city Penalty. of New-York, for manufacturing or consumption, or ship for exportation, any leaf tobacco, the growth of the United States, which is by this act subjected to inspection, without its being first inspected according to the provisions of the same, shall forfeit and pay for each and every cask so sold or exported, the sum of fifty dollars, to be sued for in the name of the mayor, aldermen and commonalty of the city of New-York, but to be recovered and applied for the benefit of the poor of the said city.

§ 9. Sections one hundred and seventy-eight, and one hundred and seventy-nine, one hundred and eighty, of the Sections repealed. twelfth article of title second, chapter seventeenth, part first of the Revised Statutes, are hereby repealed.

§ 10. The inspector of leaf tobacco in the city of New-York, shall hold his office for two years from the time of Tenure of office. his appointment; and any inspector hereafter to be appointed, shall hold his office for the like period.

§ 11. So much of the sixteenth section of title five of Repeal. chapter five of part first of the Revised Statutes as is inconsistent with the tenth section of this act, is hereby repealed.

CHAP. 57.

AN ACT to incorporate the Rensselaer and Berkshire tunnelling and turnpike road company.

Passed March 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, Corporation created. by the name of the Rensselaer and Berkshire Tunnelling and Turnpike Road Company.

General powers. § 2. The corporation hereby created, shall possess the general powers and privileges and be subject to the general liabilities of turnpike corporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes, except so far as the same shall be altered by this act.

Route of road. § 3. The said company may construct a turnpike road from the north village in the town of Berlin, on the most eligible route, to the line of Williamstown; in the state of Massachusetts, and for that purpose may tunnel the mountain lying between the said villages.

Stock. § 4. The capital stock of the said company shall be thirty thousand dollars, which may be increased to such amount as shall be necessary to complete said tunnel and turnpike, and the necessary works and machinery appertaining thereto; but such capital shall not, in the whole, exceed one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be deemed personal property, and transferable on the books of the corporation in such manner as by their by-laws shall be directed.

Subscriptions. § 5. Samuel Gale, Charles M. Davis, and Joel Mallery of the city of Troy, and Burton Hammond, John Beever, Winter Green, and David Comstock of the town of Berlin, shall be commissioners to open books and receive subscription of stock. Such books for the subscription of stock may be kept open during five years from the passage of this act, unless the amount required shall be soon-er subscribed.

Width of road. § 6. The said corporation shall not be required to lay out their road of greater width than fifty feet, nor to make the bed or arch thereof more than eighteen feet wide, which bed or arch may be constructed of such materials as the surface of the adjoining ground may afford, unless the commissioners who shall lay out the same shall direct that the whole or a part or parts thereof shall be made according to law. But through the tunnel or rock excavation, no more than eighteen feet in width and twelve feet in height shall be required.

Commissioners to lay out road. § 7. Alonzo G. Hammond, Hezekiah Hull and James J. Murray, are hereby appointed commissioners to lay out the said road; and in case of any vacancy in the office of such commissioners, by death, refusal to serve, or otherwise, such vacancy shall be filled by a written appointment, signed by the first or senior judge of Rensselaer county.

§ 8. The company shall cease to be a body corporate, Time limited. if within two years from the passing of this act they shall not commence the construction of their said road or tunnel, and shall not within five years thereafter complete the same.

§ 9. When the said tunnel and turnpike shall be completed according to the provisions of this act, the company may erect one toll gate thereon, at such place as they shall deem most expedient, and demand and receive tolls not exceeding the following rates, viz: For every score of cattle, horses or mules, thirty-seven and an-half cents; for every score of sheep or hogs, eighteen and three-quarter cents, and in the like proportion for a greater or less number of cattle, horses, mules, sheep or hogs; for every sulkey, chair or chaise drawn by one horse or other beast, eighteen and three quarter cents, and for every additional horse or other beast, four cents; for every cart or four-wheeled carriage drawn by two horses or other beasts, twenty-five cents, and for every additional horse or other beast, four cents; for every sled or sleigh drawn by two horses or other beasts, eighteen and three quarter cents; and for every additional horse or other beast, four cents; for every sled or sleigh drawn by one horse or other beast, twelve and an half cents; for every cart or wagon drawn by one horse or other beast, eighteen and three quarter cents, and for every horse or mule rode or led, eight cents. Rates of toll

§ 10. The legislature may at any time alter, modify or Right to repeal. repeal this act.

CHAP. 58.

AN ACT to incorporate the *Narrowsburgh bridge company*.

Passed March 29, 1824.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Benjamin Woodward, Abraham Cuddeback, Daniel Mapes, Richard W. Corwin, Stacy Beakes, and their associates, are hereby created a body corporate, by the name of "The Narrowsburgh Bridge Company." Corporation created.

§ 2. The said corporation is hereby authorized to build a toll bridge across the Delaware river, at the place called the Narrows, at the termination of the Mount-Hope and Lumberland turnpike road in the county of Sullivan; Location of bridge.

which bridge shall be an arch of one span, to be covered and built on the plan of the bridge across the Delaware river near Milford, in the state of Pennsylvania. The said bridge shall be completed within five years from the passing of this act, and if the bridge is built as aforesaid within five years, then the corporation hereby created shall continue thirty years.

Directors.

§ 3. The corporate powers of the said corporation shall be exercised by five directors; and Benjamin Woodward, Abraham Cuddeback, Daniel Mapes, Richard W. Corwin and Algernon S. Dodge, shall be the first directors, and hold their offices until the first Tuesday in December, one thousand eight hundred and thirty-five, and until others shall be elected and chosen to succeed them; and the first Tuesday in December in each and every year thereafter, shall be the day for the annual election of directors, unless the directors for the time being shall appoint some other day in the said month of December. The directors for the time being shall give at least fifteen days' notice of the time and place where such election will be held, to be published in one of the newspapers in each of the counties of Orange and Sullivan.

Stock.

§ 4. The stock of said company shall be divided into shares of twenty-five dollars each; and it shall be the duty of the directors to open books for the subscription of stock, and keep the same open for subscription until a sufficient number of shares shall be subscribed, not exceeding one thousand shares; which stock or sum of money so subscribed, shall be paid at such times and in such proportion as the directors shall deem proper.

Rates of toll.

§ 5. As soon as the bridge shall be completed, and the judges of the court of common pleas of the county of Sullivan, or any two of them, upon inspection, shall certify under their hands that the bridge is well and sufficiently constructed for the safe passage of loaded wagons and other carriages, the directors may erect a gate at or near the west end of the bridge, and demand and receive tolls not exceeding the following rates: For every cart, sleigh or sled, and every four-wheeled carriage drawn by two oxen, horses or mules, twenty-five cents, and six cents for every additional horse, mule or ox; for every carriage or sled drawn by one horse or mule, fifteen cents; for every man and horse, ten cents; for every foot passenger, three cents; for every horse or mule, four cents; for every cow or head of neat cattle, three cents; for every score of sheep or hogs, twelve and a half cents, and so in proportion for a greater or less number. The said corporation

shall cause to be affixed to the toll gate, a list of the rates of toll which may be legally demanded.

§ 6. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay two dollars to the said company, with costs of suit: and if any toll-gatherer shall unreasonably delay or hinder any passenger or traveller at the gate, or shall demand or receive more than the legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs, to the use of the person so unreasonably delayed, hindered or defrauded. Penalty.

§ 7. It shall not be lawful for any person to erect any bridge or establish any ferry, across said river, at any place within a mile of said bridge, after the said bridge is completed. Restriction.

§ 8. This corporation shall possess the general powers enumerated in the third title of the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions therein, not otherwise provided for by this act. General powers.

§ 9. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 59.

AN ACT to amend the act entitled "*An act for the construction of the Chenango canal,*" passed February 22d, 1833.

Passed March 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All loans hereafter made for the purposes of constructing the Chenango canal in pursuance of the act hereby amended, shall be payable at the discretion of the commissioners of the canal fund, after the year one thousand eight hundred and forty-five, and for such loans, certificates of stock shall be issued in the manner directed in and by the act to improve the funds and provide for the redemption of the funded debts of this state.

§ 2. The fourth section of the act hereby amended, is repealed.

§ 3. This act shall take effect immediately on its passage.

CHAP. 60.

AN ACT for the relief of Jeremiah Van Rensselaer and others.

Passed March 31, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Submission
made valid.

§ 1. The submission entered into by and between Jeremiah Van Rensselaer and others of the one part, and Oliver Wiswall and others of the other part, by a certain instrument in writing, bearing date the first day of November, one thousand eight hundred and thirty-three, referring certain questions specified in said instrument, relating to certain lands in the county of Columbia, to the arbitration and decision of three indifferent commissioners, to be selected as mentioned in said instrument, shall be valid and effectual between the parties to said instrument.

Power of
commission-
ers.

§ 2. The commissioners selected according to the terms of said instrument, shall have power to decide on all questions submitted to them by said instrument, and their award or report made in the manner and at the time specified in said instrument, shall be of the same force and effect as if the said submission were made under and authorised by the provisions of title fourteenth of chapter eighth of the third part of the Revised Statutes.

It.

§ 3. The said commissioners shall have the same powers and be subject to the same duties, and witnesses may be sworn and examined before the said commissioners in the same manner as if the said commissioners were duly selected and appointed arbitrators under the provisions of the Revised Statutes.

Witnesses.

§ 4. Witnesses may be compelled to attend before said commissioners in the same manner as their attendance may be compelled before referees appointed by the supreme court in suits pending therein.

Testimony.

§ 5. The provisions of article fifth of title third of chapter seven of the third part of the Revised Statutes, entitled "Of proceedings to perpetuate testimony," shall be applicable to the matters submitted by the aforesaid instrument, and all depositions taken in pursuance of the provisions of said title, may be given in evidence before the said commissioners, in the same manner, with the like effect, and under the same conditions and restrictions as such depositions are by the provisions of said title authorised to be used in a trial in the courts of this state.

§ 6. Every person who shall wilfully and corruptly ^{Penalty.} swear, testify or affirm falsely, to any material matter, upon any oath, affirmation or declaration lawfully administered by or to be used before the said commissioners, shall, upon conviction, be judged guilty of perjury.

§ 7. This act shall not be construed to affect the rights of any of the parties to the said instrument of submission, except those who shall, within thirty days after its passage, file in the office of the clerk of the county of Columbia their assent in writing to the provisions of the same.

§ 8. This act shall take effect immediately after the passage thereof.

CHAP. 61.

AN ACT making provision for draining a certain swamp, known by the name of Flint Creek and Nettle Valley Swamp, in the town of Potter, in the county of Yates, and in the town of Gorham, in the county of Ontario.

Passed March 31, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Ashley Thomas, David J. McMaster and Alexander Southerland, of the said town of Potter, and John Q. Groesbeck and John Elsworth, of the said town of Gorham, or any two of them, shall be inspectors to finally settle and determine the number of acres of swamp belonging to each proprietor in said tract, between Bethel, in the said town of Gorham, and Bordwell's and Nettle valley bridges, in the said town of Potter, which may, in their opinion, be benefitted by draining or ditching the same; which settlement and determination shall be delivered in writing to the said proprietors, at their first meeting, by virtue of this act.

§ 2. For the purpose of draining the said swamp, a sum, not exceeding twenty cents per acre in any one year, shall be paid by the proprietors thereof to commissioners, who shall be chosen by a majority of the proprietors of said swamp in manner following, to wit: The said proprietors shall meet on the first Tuesday of June next, at the house of G. C. Taylor, in the village of Bethel, and then and there determine and assess the amount, not exceeding twenty cents per acre, which they or a majority

<sup>Expense of
draining how
to be paid.</sup>

of said proprietors shall think proper to raise, and shall also then and there by ballot, proceed to elect five commissioners, those who shall have the greatest number of votes to be commissioners for the ensuing year. On the first Tuesday of June in every year thereafter, the said proprietors shall meet at the place aforesaid, or at such other place in either of the said towns of Potter or Gorham, as the majority of the said proprietors for the time being shall have previously agreed on or adjourned to, for the purpose of making such election of commissioners, and that at every such election, those who shall have the greatest number of votes shall be commissioners for the ensuing year.

And applied. § 3. The said moneys so as aforesaid to be paid to the said commissioners, shall be applied by them towards paying all incidental charges that shall arise in or about the business of draining said swamp, in such manner as they or a majority of them shall think proper, who are hereby fully authorised and empowered to cut or cause to be cut one or more main ditch or ditches through the said swamp, in such manner and in such direction as to the said commissioners, or a majority of them, shall appear best calculated to carry the intentions of this act into effect.

Persons may be sued. § 4. In case any person assessed as aforesaid shall neglect or refuse to pay the moneys or any part thereof so as aforesaid made payable by him for the purpose aforesaid, to the commissioners or either of them to be elected as aforesaid, on or before the first day of October in each and every year, it shall and may be lawful for the said commissioners or the successors of them, to sue for and recover the same, with interest and costs of suit, in an action of debt, in any court having cognizance thereof.

Commissioners to account. § 5. It shall and hereby is made the duty of the respective commissioners to be annually elected as aforesaid, to render an account of all the expenditures of said moneys to the said proprietors, at their annual meeting on the first Tuesday of June; and they shall then deliver the moneys, if any, and their accounts and papers in relation to their trust and duty, to the commissioners who shall have been elected to succeed them.

Pay of commissioners § 6. The said commissioners shall be entitled to receive for their services the sum of one dollar and fifty cents for each day they shall be actually and necessarily employed in performing the duties required of them by this act.

Actions. § 7. In every action to be brought by the commissioners in pursuance of this act, it shall and may be lawful

for them to commence and prosecute the same by the name and style of "The Commissioners for ditching and draining the Flint Creek and Nettle valley swamp, in the town of Potter, in the county of Yates, and Gorham, in the county of Ontario."

§ 8. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 62.

AN ACT further to amend the act entitled "*An act to incorporate the Brunswick and Pittstown Turnpike Company*," passed April 18th, 1831.

Passed March 31, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Brunswick and Pittstown turnpike company are hereby authorised to extend their turnpike road easterly from its present termination near the house of Charles Haskins, in the town of Pittstown, till it intersects the road laid out by the Troy turnpike and rail-road company, near the house of Joseph Wadsworth, and also to make such alterations in the route of said road, as the president and directors of the said company shall think expedient: provided that no such alteration shall divert the said road more than fifteen rods from its present line, unless by consent of the owner or owners of the land through which said road shall be constructed. Turnpike may be extended and altered.

§ 2. Such alterations and extension of said road may be made by the said president and directors, with the consent of the owners of land necessary to be taken therefor; but where no agreement shall be made by the said president and directors with the said owners for such alterations and extension of said road, the compensation to the owners of land taken therefor, shall be made in the manner provided by the Revised Statutes for laying out turnpike roads. With consent of the owners of land.

§ 3. The said company are hereby authorised to receive subscriptions to their capital stock from time to time, until it shall amount to fifty thousand dollars, and to expend the same in extending and altering the route of said road, and in MacAdamizing or otherwise improving the said road, but not to be expended in the ordinary repairs thereof; and it shall be the duty of said company, after the said road shall be completed according to the requirements of Subscriptions to stock.

the existing laws, and after the costs of its construction shall be reported to the comptroller, annually to make a further report of the amount of money expended during the preceding year, by virtue of this act.

Tolls.

§ 4. The tolls authorised to be taken by the said corporation by virtue of the fifth section of the act hereby amended, and of the act amending the same, "for every coach or four wheeled pleasure wagon or other four wheeled pleasure carriage drawn by two horses," shall hereafter be the same as that authorised by the said act to be taken, "for every wagon drawn by two horses;" and the said tolls specified, "for every chair, chaise or other pleasure carriage drawn by one horse," shall be the same as that authorised by the said act to be taken "for every one horse wagon or cart drawn by one horse;" and so much of said act as is repugnant hereto, is hereby repealed.

Right to repeal.

§ 5. The legislature may at any time alter, modify or repeal this act or any of its provisions.

CHAP. 63.

AN ACT to authorise the board of supervisors of the county of Herkimer to raise money to build a court-house in said county.

Passed March 31, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money may be raised by tax.

§ 1. The board of supervisors of the county of Herkimer, are hereby directed to raise by tax, as hereinafter directed, upon the inhabitants of said county, to be levied and collected as other contingent expenses of said county are levied and collected, a sum not exceeding four thousand six hundred dollars, for the purpose of building and completing a court-house in the village of Herkimer.

Building commissioners.

§ 2. The said court-house shall be built under the direction and superintendence of Francis E. Spinner, Arphaxed Loomis and Prentice Yeomans, or a majority of them, as commissioners. The said board of supervisors may, at any time, remove all or any of said commissioners, and appoint others in their stead.

Materials.

§ 3. The said commissioners shall cause said court-house to be built of brick, containing a court room, jury rooms, and a room suitable for the grand jury, and the meeting of the board of supervisors of said county.

§ 4. The comptroller is hereby authorised to loan to the county of Herkimer, a sum not exceeding four thousand six hundred dollars, out of the moneys now in the treasury of the state, belonging to the capital of the common school fund, on receiving from the treasurer of said county a bond, conditioned for him, as treasurer, and his successor in office, to pay the said sum of four thousand six hundred dollars, in annual instalments of five hundred dollars each, from and after the year eighteen hundred and forty, together with the annual interest on the said loan from the time it is made, at the rate of six per cent per annum.

§ 5. The board of supervisors shall annually raise, in the manner aforesaid, a sum sufficient to pay the annual interest on said loan, and shall have authority annually at any time after the passage of this act, to raise a sum not exceeding one thousand dollars, to pay the principal of said loan, until the whole debt is extinguished; which sum or sums so raised, the treasurer is hereby directed to receive for the purposes aforesaid, and pay the same into the treasury of the state.

§ 6. The said commissioners shall give to the board of supervisors a bond in the sum of six thousand dollars, for the faithful discharge of their duties under this act, with three sureties, to be approved of by a judge of the Herkimer county courts, and shall deliver said bond to the county treasurer; and upon delivering the treasurer's bond to the comptroller, they shall be authorised to receive a sum sufficient for the above mentioned purposes, not exceeding the said sum of four thousand six hundred dollars.

§ 7. The said commissioners shall render annually, an account of their proceedings and expenditures to the said board of supervisors, until they shall have fully executed their duties under this act; and the said board of supervisors shall allow said commissioners such compensation for their services as they shall deem to be reasonable and proper, to be paid as other contingent expenses of said county are paid.

§ 8. After the completion of said court-house, the board of canvassers of elections, and the board of supervisors of said county shall hold their annual meetings therein, in the same manner as they are now directed to be held in the county clerk's office.

§ 9. The money raised by the board of supervisors of said county for repairing the court-house recently burnt therein, shall be appropriated by said commissioners in building said court-house.

Contractors
to give secu-
rity.

§ 10. The commissioners, before commencing the erection of said court-house, shall contract for the building of the same, and shall receive from the contractor or contractors, a good and sufficient security, to be approved of by them, that the said court-house shall be completed for a sum, not exceeding in the whole, five thousand dollars.

Act to take
effect

§ 11. This act shall take effect and become a law from the passage thereof.

CHAP. 64.

AN ACT for the relief of *Holmes Hutchinson*.

Passed April 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer shall pay on the warrant of the comptroller out of any money in the treasury not otherwise appropriated, the sum of one hundred and ninety-three dollars and fourteen cents, in full compensation for his services on examining the inclined planes of the Morris canal, of the state of New-Jersey, under the direction of the canal commissioners of this state.

CHAP. 65.

AN ACT to change the name of *John Swartout Smith Duvall*.

Passed April 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. From and after the passage of this act, John Swartout Smith Duvall, of the town of Mentz, in the county of Cayuga, shall be called and known by the name of John Clark.

CHAP. 66.

AN ACT in relation to the State-Hall.

Passed April 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The governor, lieutenant-governor, the speaker of the assembly, the secretary of state, the attorney-general, the surveyor-general and the comptroller, shall be trustees of the state-hall, and shall possess all the powers conferred by the acts, chapters two hundred and eighty-three and three hundred and twenty-three, of the laws of 1833. Trustees of the state-hall.

§ 2. The said trustees are authorised to purchase land in the city of Albany, in the vicinity of the Capitol, of such extent as in their opinion will be required for convenient public buildings for the use of the state, and to cause to be erected thereon, a new state-hall, upon such plan and of such dimensions as the public interests may require. To purchase land in Albany.

§ 3. The agent of the state prison at Mount-Pleasant shall cause to be prepared and delivered at the prison on the order of the trustees, the stone and all such other articles necessary for the building as can be manufactured at the said prison, and shall charge the same at a reasonable price. Duty of the state prison agent.

§ 4. The said trustees shall sell the present state-hall and the lands belonging thereto, as soon as the same can be done on terms advantageous to the public, and may contract to deliver possession of the same at such time, as in their judgment, the new offices will be completed. Trustees to sell the present state hall

§ 5. The additional sum of forty thousand dollars is hereby appropriated, and may be drawn from the treasury on the order of the said trustees. Appropriation of \$40,000.

§ 6. The said trustees shall report to the legislature at its next session, within twenty days after the commencement thereof, a particular statement of the expenditures which have been made under this act, together with a plan of the building and an estimate of the expense of completing the same. Trustees to report.

§ 7. This act shall take effect on the passage thereof. Act to take effect.

CHAP. 67.

AN ACT *for the relief of the New-York institution for the instruction of the deaf and dumb.*

Passed April 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The sum of five thousand dollars per annum for five years, is hereby appropriated for the benefit of the New-York institution for the instruction of the deaf and dumb in the city of New-York; and that the same be paid annually, on the warrant of the comptroller, to the treasurer of said institution, out of any moneys in the treasury not otherwise appropriated.

§ 2. This act shall take effect immediately after the passage thereof.

CHAP. 68.

AN ACT *to amend an act entitled "An act concerning the practice of physic and surgery in this state," passed April 7th, 1830.*

Passed April 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The last clause of the second section of the act, entitled "An act concerning the practice of physic and surgery in this state," passed April 7th, 1830, in the following words: "But the provisions of this section shall not be deemed and taken to extend to, or debar any person from using or applying for the benefit of any sick person, any roots, barks or herbs, the growth or produce of the United States," is hereby repealed.

§ 2. The act hereby amended, shall not be so construed as to apply to any person or persons who shall, without fee or reward, use or apply for the benefit of any sick person, any roots, barks or herbs, the growth or produce of the United States.

CHAP. 69.

AN ACT for the relief of the Prince-street orphan asylum.

Passed April 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The provisions of the "Act for the benefit of the Orphan asylum society in the city of New-York," passed March 30th, 1811, and the acts reviving and continuing the same, shall apply to the managers of the Prince-street orphan asylum.

CHAP. 70.

AN ACT for the relief of Levi Platt.

Passed April 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Clinton, shall, at their next annual meeting, audit the account of Levi Platt for building a bridge across the Saranac river, in the town of Plattsburgh, upon just and equitable principles, and shall allow him such balance, with the interest thereon, as shall be equitably due to him on said account, and shall charge the sum so audited on the said county, and shall raise and collect the same, as other county charges are raised and collected. Accounts to be audited.

§ 2. If the supervisors of said county deem it oppressive to the said county to raise the whole sum thus audited, during the present year, they shall raise the one-half thereof this year, and the remainder, with interest, from the first of February, one thousand eight hundred and thirty-four, in the year one thousand eight hundred and thirty-five. When to be raised by tax.

CHAP. 71.

AN ACT to incorporate the *Westchester whaling company*.

Passed April 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. John Hunter, Henry White, St John Constant, Tyler Fountain, Niles Frost, Solomon Rundle, William Nelson, Jonathan Ferris, Phillip Clapp, William Watts, Gerard Crane, and such other as now are or hereafter may be associated with them, for the purposes of engaging in the whale fishery in the Atlantic and Pacific oceans and elsewhere, and in the manufacture of oil and spermaceti candles, are hereby constituted a body corporate, by the name of "The Westchester Whaling Company," to be located in the village of Peekskill, or within three miles thereof.

Stock.

§ 2. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, and be divided into shares of fifty dollars each: but it shall be lawful for said corporation, when, and as soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid in, and an affidavit to be made by the president of said company, showing that the said sum of fifty thousand dollars have been so paid in, shall have been filed in the office of the secretary of state, to commence its said business, and with that capital to conduct and carry on the same until they shall find it expedient to extend their capital, which they are authorised to do from time to time to the amount herein before mentioned.

Subscriptions
to stock

§ 3. The subscription to the said stock shall be opened under the direction of John Hunter, Henry White, Tyler Fountain, St John Constant, Niles Frost, Solomon Rundle, William Nelson, Jonathan Ferris, Phillip Clapp, William Watts and Gerard Crane, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such days and at such places in the village of Peekskill as they shall appoint, giving at least fourteen days' notice of such time and place of receiving subscriptions, in two public newspapers, one printed in the village of Peekskill and the other in the city of New-York; and the sum of five dollars on each share subscribed, shall be paid to the commissioners at the time of subscribing as aforesaid; and in case the amount of two hundred thousand dollars of the stock shall not be taken on said day, then the said commissioners may

on such other days, and at such other place or places as they may from time to time appoint, receive further subscriptions, until the whole required capital stock shall have been subscribed for, and taken up.

§ 4. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto, in such manner, and to such amount as they shall deem most advantageous to the interest of the corporation; but no such distribution shall be made until fifty thousand dollars of such stock shall have been subscribed.

Distribution
of stock.

§ 5. The stock, property, affairs and concerns of the said corporation, shall be managed and conducted by eleven directors, who shall choose one of their number to be their president, and who shall hold their office for one year from the first Tuesday of January in every year, which said directors, except those appointed by this act, shall be stockholders to an amount not less than ten shares, and citizens of the United States; and the said directors shall be elected on the last Tuesday in December in every year, and at such time of the day, and at such place in the village of Peekskill, as a majority of the directors for the time being may appoint; and the said directors shall appoint three of the stockholders of said company who are not directors, to be inspectors of said annual election; and public notice of such election shall be given by the directors, not less than fourteen days previous to the time of holding the same, by an advertisement to be inserted in one of the newspapers printed in the village of Peekskill, and in a paper printed in the city of New-York. Such election shall be made by ballot, either in person or by proxy, and each stockholder shall be entitled to give one vote for each share of stock held by him; and the eleven persons having the greatest number of votes at an election shall be directors: but if at any election it shall so happen that eleven directors shall not be elected upon the first ballot by the greatest number of votes, by reason of two or more persons receiving an equal number of votes, then the directors in office at the time of such election, shall appoint a sufficient number of persons from among those having an equal number of votes, to complete the number of eleven directors. And if any vacancy shall at any time happen among the directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, by such person as the remainder of the directors for the time being shall appoint; and the persons above named as commissioners, shall be

Directors

directors until the first Tuesday in January, in the year one thousand eight hundred and thirty-five.

Election.

§ 6. In case it shall at any time happen that an election of directors shall not be made on the day upon which, pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold such election on such other day in the manner aforesaid, as shall be prescribed by the laws and ordinances of the said corporation; and until such new election shall be had, the directors of the preceding year shall continue to be directors of said corporation.

Calls on stockholders.

§ 7. The president and directors of said company may call for and demand of the stockholders or subscribers for stock, all such sums of money as are by them respectively subscribed, which said sums such stockholders and subscribers are hereby declared liable to pay at such times and in such proportions as the said president and directors shall deem best for the interest of the company, the said president and directors giving thirty days previous notice of such call or demand, in one of the public newspapers printed in the village of Peekskill, and one in the city of New-York; and in case of failure to pay the same, the president and directors may declare the shares of such subscriber or stockholder so failing, forfeited, and such shares, with all previous payments made thereon, shall be thereby forfeited and become the property of said corporation.

Transfers.

§ 8. No transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose. The stock shall be deemed personal property.

Real estate.

§ 9. The corporation shall be authorised to purchase and hold real estate to the amount not exceeding twenty-five thousand dollars, and convey the same.

Duration of charter.

§ 10. The said corporation shall continue during twenty years, and shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

Right to repeal.

§ 11. The legislature may at any time modify or repeal this act.

Foreigners.

§ 12. No foreigner shall ever be a stockholder or in any way interested in this company.

Act to take effect.

§ 13. This act shall take effect from the passage thereof.

CHAP. 72.

AN ACT to enable the Mayor, Aldermen and Commonalty of the city of New-York to raise money by tax.

Passed April 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and are hereby empowered, as soon as conveniently may be, after the passage of this act, to order and cause to be raised by tax on the estates, real and personal, of the freeholders and inhabitants of and situated within the said city, to be collected a sum not exceeding four hundred thousand dollars, to be applied to the support and maintenance of the poor of the said city and county; the support and maintenance of criminal persons; the support of bridewell and penitentiary of the said city; the repairing and taking care of the other public buildings belonging to and under the care of the mayor, aldermen and commonalty of the city of New-York; the making, regulating, repairing and improving the public roads in the said city and county; the defraying the other contingent expenses properly chargeable to the said city and county, and for defraying the expenses which the mayor, aldermen and commonalty of the city and county of New-York may sustain or be put to in executing the powers vested in them by an "Act to reduce several laws relating particularly to the city of New-York into one act," passed April the ninth, one thousand eight hundred and thirteen. And also such further sum, by a tax aforesaid, as is required to be raised by a tax in the said city for the support of common schools, and as may be necessary for supplying the deficiencies of taxes upon any and every of the wards of the said city, imposed or laid during the year one thousand eight hundred and thirty-three, owing to the insolvencies of the collectors of the said wards, or any or either of them and their sureties, or their inability to collect the said tax, and also for defraying the whole of the expenses for assessing and collecting the taxes to be raised, as aforesaid; such deficiencies, however, to be assessed on the estates real and personal, of the inhabitants of and situated within the wards respectively where they shall happen, as aforesaid. And also a further sum, not exceeding three hundred thousand dollars, by a tax on the estates real and personal of the

The sum of \$400,000 to be raised.

A sum to be raised for common schools.

A further sum of \$300,000 to be raised.

freeholders and inhabitants of and situated within the said city, to the southward of a line beginning at the East river, at the foot of Twenty-First street, and running westerly through the centre of Twenty-First street to the North river, as the said street is laid down on the map of the said city, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York shall appoint and employ for watching and guarding the said city; to the purchasing of oil, providing and putting up of lamps, and repairing, cleaning and lighting those which now are, or hereafter may be, erected within that part of the said city last described; to cleansing and repairing public wells and pumps, and to defraying the other contingent expenses arising within and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct: and also such further sum by tax as aforesaid, as may be necessary for the supplying the deficiencies of taxes upon all that part of the city to the southward of the line aforesaid, during the year one thousand eight hundred and thirty-three, owing to the insolvencies of the collectors of the said wards, or any or either of them, and their sureties, or their inability to collect the said tax; and also for defraying the expenses of assessing and collecting said taxes; such deficiencies, however, to be assessed upon the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively where they shall happen as aforesaid, to the southward of the line aforesaid.

How to be
collected.

§ 2. The said several sums of money shall be assessed and collected in the manner directed in and by the thirteenth chapter of the first part of the Revised Statutes, except so far as the said chapter may be contrary to the provisions contained and referred to in the act entitled "An act respecting the collection of taxes in the city of New-York," passed April the sixth, one thousand eight hundred and twenty-five, and of the act to amend the same, passed April the twentieth, one thousand eight hundred and thirty, and also in the fourth section of the act of March the tenth, one thousand eight hundred and twenty, entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York to raise money by tax;" which said three last mentioned acts, so far as they concern the assessment and collection of all or any taxes and assessments in the city of New-York, and all the acts and provisions contained or referred to in the same, which relate particularly to the city of New-York, are hereby declared to be in full force and effect so far as afore-

said; and each person's tax in every separate ward of the said city shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city, at such time as is appointed and directed, agreeably to the law in such cases made and provided.

CHAP. 73.

AN ACT to continue in force an act, entitled "*An act to amend an act to prevent horse-racing, and for other purposes,*" passed March 30, 1821.

Passed April 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled, "An act to amend an act entitled '*An act to prevent horse-racing, and for other purposes,*'" passed March thirtieth, one thousand eight hundred and twenty-one, is hereby continued in force for the term of fifteen years.

Art continu-
ed 15 years.

§ 2. The trials of speed or coursing authorized by law in the county of Queens, shall be had between the first day of April and the fifteenth day of June, and the first day of September and the fifteenth day of November in each year.

Races in
Queens coun-
ty.

CHAP. 74.

AN ACT to extend and continue the charter of the *Utica cotton manufacturing company.*

Passed April 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Utica cotton manufacturing company shall continue, and be a body politic and corporate, in fact and in name, with all their present rights, powers, privileges, capacities and liabilities, mentioned and contained in the act entitled, "An act relative to corporations for manufacturing purposes," passed in the year one thousand eight hundred and eleven, for the period of twenty-one years from the passage of this act.

Company to
continue for
21 years.

General
powers.

§ 2. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities provided by such parts of the third title of the eighteenth chapter of the first part of the Revised Statutes as are in force.

Act to take
effect.

§ 3. This act shall take effect immediately on the passage thereof.

CHAP. 75.

AN ACT to vest certain powers in the supreme court commissioner appointed in the county of Westchester, under the act entitled "An act authorizing the appointment of an additional supreme court commissioner in the county of Westchester," passed April 25, 1833.

Passed April 7, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supreme court commissioner appointed in the county of Westchester, under and by virtue of the act entitled "An act authorizing the appointment of an additional supreme court commissioner in the county of Westchester," passed April 25th, 1833, in addition to the powers now conferred by law upon such commissioner, shall and is hereby authorized to do and perform all such duties as any judge of the court of common pleas of said county, of the degree of counsellor at law in the supreme court, could do out of court, and to receive therefor the fees allowed by law to said judge for like services.

§ 2. This act shall take effect immediately after its passage.

CHAP. 76.

AN ACT authorizing the comptroller to loan money to the treasurer of the county of Chautauque.

Passed April 7, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The comptroller is authorized to loan to the treasurer of the county of Chautauque, five thousand dollars of the money in the treasury belonging to the capital of

Comptroller
to loan
\$5,000.

the common school fund, at an interest of six per cent per annum, payable annually.

§ 2. A bond for the repayment of the said sum of five thousand dollars, shall be executed by the said treasurer, conditioned that the said county of Chautauque shall pay into the state treasury, the interest of said sum annually, and the principal in five annual instalments of one thousand dollars each, the first instalment to be paid on the first day of March, in the year one thousand eight hundred and thirty-eight. County treasurer to give bond.

§ 3. The moneys loaned by virtue of this act shall be subject to the orders of the commissioners appointed to superintend the erection of a new court-house in said county of Chautauque, and expended by them in the erection of such court-house. Money how to be disposed of.

§ 4. This act shall take effect immediately upon the passage thereof. Act to take effect.

CHAP. 77.

AN ACT authorising the clerk of Delaware county to transcribe a docket of common pleas judgments in his office.

Passed April 7, 1894.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The clerk of Delaware county is hereby authorised to transcribe in a suitable book to be furnished for that purpose at the expense of the county, all the entries in the first book, in which judgments of the court of common pleas of said county are docketed. Book to be transcribed.

§ 2. When such copy is completed, examined and compared by and with one of the judges of the court of common pleas of said county, and duly certified by said clerk, the original shall be destroyed, and the copy shall be and remain a legal record or docket of such judgments in place of the original; and the clerk shall be allowed for transcribing said entries, the same compensation as is allowed by law for recording deeds and mortgages, which shall be audited by the board of supervisors, and paid the same as other county charges are audited and paid. Copy to be used in place of the original.

CHAP. 78.

AN ACT to amend articles seventh, title eighth, chapter twentieth, part first of the Revised Statutes, entitled "Of the disturbance of religious meetings."

Passed April 8, 1854.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Person complained of may demand a jury.

§ 1. From and after the passage of this act, it shall and may be lawful for any person who may be complained of for a violation of any of the provisions of the article hereby amended, before the court shall proceed to investigate the merits of the cause, to demand of such court that he may be tried by a jury. Upon such demand, it shall be the duty of such court to issue a venire, to any constable of the county, or marshal of the city, where the offence is to be tried, commanding such officer to summon the same number of jurors, and in the same manner, as is provided for the summoning of jurors before courts of special sessions. The said court shall proceed to empanel a jury for the trial of said cause, in the same manner, and shall be subject to all the rules and regulations prescribed in the act providing for trials by jury in courts of special sessions.

Costs.

§ 2. In addition to the costs allowed by law for prosecution under the article hereby amended, all the costs consequent upon a trial by jury shall be added and paid by the party offending, in case of conviction, and shall be the same as is allowed by law in civil cases.

CHAP. 79.

AN ACT to loan money to the county of Erie.

Passed April 8, 1854.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Loan of \$2,500.

§ 1. The comptroller is hereby directed to loan to the county of Erie, the sum of two thousand five hundred dollars out of the moneys in the treasury belonging to the capital of the common school fund, on receiving from the treasurer of the said county a bond conditioned for the re-payment thereof, in two equal annual instalments from the first day of March, one thousand eight hundred and thirty-four, with interest on the same annually, at the rate of six per cent.

§ 2. The board of supervisors of said county are required to raise by tax, on the taxable property in said county, the said sum of two thousand five hundred dollars, with the annual interest thereon, in two equal annual instalments, the first of which shall be levied at the next annual meeting of the said board of supervisors; and the said instalments shall be paid over to the treasurer of the said county, whose duty it shall be immediately on the receipt thereof, to pay the same into the treasury of this state. Money to be raised by tax.

§ 3. One thousand dollars of the aforesaid loan shall be expended in erecting a fire-proof clerk's office in said county; and fifteen hundred dollars thereof shall be applied to the extinguishment of the debts due for building the new jail in said county. How to be expended.

CHAP. 80.

AN ACT authorising a change in the name of Nathaniel Cogswell Smith.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The name of Nathaniel Cogswell Smith is changed to Nathaniel Cogswell.

CHAP. 81.

AN ACT to authorize the removal of the gun-house in the village of Manlius.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The commissioners of the land-office are hereby authorized to release the site owned by the people of this state for a gun-house in the village of Manlius, whenever the captain or commandant of the company having charge of the gun for which the said house was erected, shall select a suitable site for the said gun-house and procure a title of the said site to the people of this state; and he is hereby authorized to remove the said gun-house to such new site so selected by him, as soon as he shall procure the title to the same for that purpose.

CHAP. 82.

AN ACT for the relief of Henry Hill and others.

Passed April 8, 1834.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*H. Hill and
S. Jenks.

§ 1. The treasurer shall pay on the warrant of the comptroller, to Henry Hill and Simeon Jenks, the sum of three hundred and eleven dollars and ninety-three cents, to which, according to a resolution of the canal board of the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty-four, they are entitled, as an extra allowance for work done on the Oswego canal.

H. Hill and
P. Failing.

§ 2. The treasurer shall pay on the warrant of the comptroller, to Henry Hill and Peter Failing, the sum of four hundred and twenty dollars, to which, according to a resolution of the canal board, of the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty-four, they are entitled, as an extra allowance for work done on the Oswego canal.

Act to take
effect.

§ 3. This act shall take effect immediately on its final passage.

CHAP. 83.

AN ACT to amend an act, entitled "*An act authorizing the supervisors of the county of Jefferson to sell and convey the poor-house, lot and establishment in said county, and for other purposes,*" passed January 25th, 1833.

Passed April 8, 1834.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*Loan of
\$4,000.

§ 1. The comptroller may loan to the commissioners of Jefferson county poor-house, mentioned in the third section of the act hereby amended, a sum not exceeding four thousand dollars, of any money in the treasury belonging to the capital of the common-school fund; and such sum shall be paid to such commissioners by the treasurer of this state on the warrant of the comptroller, and shall be charged in the books of the comptroller as a debt due from the county of Jefferson to this state, with interest thereon; at the rate of six per cent per annum, to be paid in four equal annual instalments, with interest annually; and such debt shall belong to the common-school fund.

§ 2. The comptroller, at the time of the payment of said moneys to such commissioners, shall take their receipt, or the receipt of a majority of such commissioners, for the same.

§ 3. Such commissioners shall have the power to borrow such sum of money of the comptroller.

Powers of commissioners.

§ 4. All the provisions of the act hereby amended shall apply to the money hereby authorized to be loaned, in the same manner and with the like effect as they would apply to any moneys borrowed under the provisions of such act.

Provisions how to apply

§ 5. This act shall take effect immediately on the passage thereof.

Act to take effect.

CHAP. 84.

AN ACT providing for the payment of the compensation due to Walter Cornell, deceased, late a member of the Assembly.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer of this state is hereby authorised to pay, on the warrant of the comptroller, to the widow of Walter Cornell, a member of the last legislature, who died during the session, such compensation as he would have been entitled to, had he survived until the termination of the said session.

CHAP. 85.

AN ACT in relation to the Ogdensburgh and Canton road, in the county of St. Lawrence.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The provisions of the fifty-fourth and fifty-fifth sections of title first, chapter eighteen of the first part of the Revised Statutes, shall apply to the Ogdensburgh and Canton road, and to the gate erected thereon; and the penalties therein provided shall and may be sued for and recovered in the name of the people of the state of New-York, by the treasurer of St. Lawrence county; and

when collected shall be applied in the same manner that the tolls are by law applied.

CHAP. 86.

AN ACT for the relief of *William Ostrander*.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The treasurer shall pay, on the warrant of the comptroller, to William Ostrander, a revolutionary soldier, six hundred dollars, in lieu of his claim upon the state for bounty lands, as a soldier in the third New-York regiment.

CHAP. 87.

AN ACT to preserve the grass on a part of the south beach, in the county of Suffolk.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Penalty for
suffering hor-
ses, &c. to run
at large on
beach.

§ 1. If any horses, neat cattle, sheep or hogs, shall be found on any of the beaches or islands lying between a certain creek called Horse Foot creek, otherwise called Long cove, on the west, and the place heretofore known and designated as Smith's inlet on the east, the owner or owners thereof shall forfeit and pay to the person who shall take and keep the same, five dollars for each horse or neat beast, and for each sheep or hog fifty cents, so found; and in case no person shall appear and pay the said sum within forty-eight hours after such horses, neat cattle, sheep or hogs shall have been so taken, the person taking the same shall advertise the same in two or more public places in the town of Brookhaven, at least six days, and at the expiration thereof shall sell the same at public vendue, and out of the monies arising therefrom may retain in his hands five dollars for each horse or neat beast and fifty cents for each sheep or hog so sold, together with the costs, not exceeding seventy-five cents for each horse or neat beast and twenty-five cents for each sheep or hog so taken, and shall return the overplus monies, if any there be, to the owner or owners thereof; but this act shall not

be construed to debar or prevent any person or persons having meadow on the said beaches or islands from carrying on, using and feeding so many oxen or horses on the said beaches or islands as shall be necessary for receiving and securing the hay during the season for getting the same, nor to prevent any person or persons from pasturing so many horses or oxen as shall be necessary to secure any property wrecked on said beach.

§ 2. All acts heretofore passed concerning said beaches, *Repeal* or so much thereof as may be repugnant to this act, are hereby repealed.

CHAP. 88.

AN ACT relative to proceedings upon writs of homine replegiando.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The person claiming the services of a fugitive from service, or his agent, shall pay weekly for the support of such fugitive the sum of two dollars per week, so long as said fugitive shall remain in custody, by virtue of the provisions of article first, title first, chapter ninth, part third of the Revised Statutes, and in default of such payment, such fugitive shall be discharged from custody, upon his own recognizance, by a judge of the court of common pleas or supreme court commissioner, upon application to be made at chambers. Fugitives in custody to be supported.

§ 2. The person claiming any fugitive from service, or his agent, after a writ of homine replegiando has been issued, may be held to bail by an order of a judge of the court out of which such writ of homine replegiando issued, in such sum as said court shall order, not less than two hundred and fifty dollars, conditioned for the payment of all damages which may be sustained by such person, claimed to be a fugitive from service, in case it shall not be established that he is such fugitive. Person claiming fugitive may be held to bail.

CHAP. 89.

AN ACT to change the name of the associate reformed congregation of Union church, at New-Shawangunk, and for other purposes.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Name
changed.

§ 1. The elders and trustees of the associate reformed congregation of Union church at New-Shawangunk, in the town of Walkill, Orange county, shall hereafter be known by the name of "The Elders and Trustees of the Associate Reformed Congregation of Union Church, Bloomingburgh," and by that name hereafter have succession, and retain all the rights and privileges and be subject to all the responsibilities which the said elders and trustees, as elders and trustees of the associate reformed church at New-Shawangunk now are entitled to, or would have been responsible for, had this act not have been passed.

Old meeting-
house may be
sold.

§ 2. The said elders and trustees, by permission of said congregation, to be determined by a vote of the male members thereof, at a public meeting duly notified as is required for election of trustees thereof, may dispose of the building now used as a meeting-house for said congregation at public or private sale; the avails whereof shall be held by said elders and trustees, in trust for said congregation; to be appropriated as said congregation shall by vote at such public meeting direct.

CHAP. 90.

AN ACT to alter the time of holding the annual meeting of the board of supervisors of the county of Jefferson.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Annual meet-
ing.

§ 1. The board of supervisors of the county of Jefferson, shall meet annually on the Monday next after the the general election in each year, at the same place where they are now by law required to meet.

Repeal.

§ 2. So much of title second of chapter twelve, of part first of the Revised Statutes, as requires the board of supervisors of the county of Jefferson to hold their annual meeting on any other day than the one herein provided, be and the same is hereby repealed.

§ 3. The judges of the county courts in said county, shall meet the board of supervisors 'on Thursday of the first week in which they shall hold their annual meeting, at the place where the board shall then be in session, and proceed in the same manner as now by law required, to the appointment of officers.

§ 4. So much of section twenty-ninth of title four of chapter five of part first of the Revised Statutes, as requires the judges of county courts in the county of Jefferson, to meet the board of supervisors on any other day than the one herein provided, be and the same is hereby repealed.

CHAP. 91.

AN ACT to authorize the Buffalo and Black-Rock railroad company, to construct their road over and upon certain lands belonging to this State.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Buffalo and Black-Rock rail-road company are hereby authorized to construct their road over certain lands belonging to this state, between the city of Buffalo and the village of Black-Rock.

Road may pass over state lands.

§ 2. The canal commissioners are hereby invested with a general and supervisory power over so much of said rail-road as passes over any canal belonging to this state, or approaches within ten rods of such canal, so far as such power may be necessary to preserve the free and perfect use of the canals of this state, and necessary for making any repairs, improvements or alterations in the same, or convenient for procuring materials for the same. And said company shall not construct their rail-road over any lands belonging to this state and within ten rods of such canal, unless said company shall lay before the commissioners aforesaid, a map, plan and profile, as well of the canal as of the route designated for their rail-road, exhibiting distinctly and accurately the relation of each to the other, at all places within the limits of ten rods as aforesaid, and shall thereupon obtain the written permission of said canal commissioners, with such conditions, instructions and limitations as, in the judgment of said canal commissioners, the free and perfect use of such canal may require.

Powers of canal commissioners.

CHAP. 92.

AN ACT to incorporate the city of Brooklyn.

Passed April 8, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. The town of Brooklyn, shall hereafter constitute and be known by the name of the city of Brooklyn. The inhabitants of the said city shall be a corporation by the name of "the mayor and common council of the city of Brooklyn."

City to be di-
vided into
nine wards.

§ 2. The said city shall be divided into nine wards, as follows, viz: The five districts of the village of Brooklyn, as they are now laid out, shall constitute the same number of wards, and shall be respectively numbered and designated as wards, in the same manner as they are now numbered and designated as districts. The sixth ward shall comprise the following district, viz: Beginning on the westerly side of the present village of Brooklyn, against the bay or East river, and against the village line and street designated on a map of the said village by the name of District-street; running from thence southerly along District-street and the village line to the Red-Hook road, and along the said road and village line to a corner; thence northerly along the said Red-Hook road and village line to the centre of a street now called Fulton-street, or the turnpike road of the Brooklyn, Jamaica and Flatbush turnpike company; from thence southerly along the centre of the said turnpike road to a corner opposite to a road called the Giwanus road; from thence westerly along the centre of the said Giwanus road to the centre of a road called the Port road, which runs from Flatbush to Giwanus mills; from thence northerly along the centre of the road leading to the said Giwanus mills, now owned by Nehemiah Denton and John C. Freeke, to or opposite to the easterly corner of a lot of salt meadow, now owned by Nehemiah Denton; from thence on a course due west over the meadow and mill-pond of the said Nehemiah Denton, to the centre of the Giwanus creek, commonly called the Mill creek; from thence southerly along the centre of the said creek, to a bay called the Giwanus bay; from thence westwardly along the said bay, to the westerly side of Red-Hook, and from thence eastwardly along the bay and East river, (so called,) to the place of beginning. The seventh ward shall comprise the following district, viz: Beginning in the centre of Fulton-street, against the line or boundary of the present village of Brooklyn, and against the line

Sixth ward.

Seventh
ward.

of the before described sixth ward, and from thence north-easterly along the line of the present village to the Wallabout bay; from thence along the said bay to the easterly side of the Wallabout bay, and to the line of the town of Bushwick; from thence easterly and southeasterly along the said line, to the centre of the road running from the village of Bedford to the town of Bushwick and Newtown, formerly called the Newtown road; from thence westerly, southerly and westerly and southerly, along the said road as it now runs, to the centre of the road of the Brooklyn, Jamaica and Flatbush turnpike company in the said village of Bedford; from thence westwardly and northerly along the centre of the said turnpike road, to a point opposite the centre of the Giwanus road before mentioned, and from thence along the centre of the said turnpike road and the line of the before described sixth ward, to the place of beginning. The eighth ward shall comprise the following district, viz: Beginning in the centre of the turnpike road of the Brooklyn, Jamaica and Flatbush turnpike company, opposite to the centre of the Giwanus road; from thence southerly along the centre of the said turnpike road, to the line of the town of Flatbush; from thence westwardly along the said line, and crossing a highway called Martence's lane, to the line of the town of New-Utrecht; from thence westwardly along the said line to the southerly corner of the town of Brooklyn, and from thence northwesterly along the said line of the said town of New-Utrecht, to the bay or river at a place called the Narrows; from thence northeastwardly along the said bay or river, and along the bay called the Giwanus bay, to the centre of the Giwanus mill creek (so called;) from thence along the centre of the said creek along the boundaries of the before described sixth ward, crossing the mill-pond and meadow of Nehemiah Denton, to the centre of the Giwanus mill road; from thence southerly along the centre of said road, to the centre of the Giwanus road; thence eastwardly along the centre of the said road, and along the line of the sixth ward aforesaid, to the place of beginning. The ninth ward shall comprise the following district, viz: Beginning in the centre of the road of the Brooklyn, Jamaica and Flatbush turnpike company, opposite to the centre of the Giwanus road; from thence southerly along the centre of the said turnpike road, and along the line of the before described eighth ward, to the line of the town of Flatbush; from thence eastwardly along the said line, and crossing a highway called the Clove road, and a highway called the New-Lotts road, and also the road of the turnpike company aforesaid which leads to Jamaica, to the place where the lines of the towns of

Eighth ward.

Ninth ward.

Brooklyn, Flatbush and Bushwick meet together, and from thence northwesterly along the line of the town of Bushwick, to the centre of the road leading from Bedford to the towns of Bushwick and Newtown, formerly called the Newtown road, as the same is mentioned in the previous boundaries of the seventh ward; from thence along the centre of the said road and along the line of the said seventh ward, to the centre of the turnpike road aforesaid in the village of Bedford; from thence westwardly along the centre of the said turnpike road and the line of the said seventh ward, to the place of beginning.

Legislative power.

§ 3. The legislative power shall be vested in a mayor and board of aldermen, who together shall constitute and be denominated the common council, and a majority of the whole number shall be a quorum for the transaction of business.

Two aldermen in each ward.

§ 4. Two aldermen shall be annually elected for each ward. Such aldermen shall at the time of their election be freeholders of the said city, and residents in the wards for which they shall respectively be chosen.

Mayor.

§ 5. The mayor shall at the time of his election be a freeholder and resident of the said city. No person who shall have been elected an alderman shall be capable of holding the office of mayor during the term for which he shall have been so elected an alderman.

His powers.

§ 6. The mayor shall preside in the common council, but shall have no vote therein. Every ordinance or resolution passed by the board, shall, before it shall take effect, be presented to him for his approbation. If he approve thereof, he shall sign it; if not, he shall at the next regular or special meeting of the board, state to the said board his objections thereto; whereupon they shall again vote, and if such ordinance or resolution shall again pass, it shall take effect notwithstanding his objections; but such objections shall be entered upon the minutes of the board, and published in the newspaper or newspapers to be employed by the said corporation as hereinafter provided. If he shall not state his objections at the time above specified, such ordinance or resolution shall take effect in the same manner as if he had signed it.

President in the absence of the mayor

§ 7. The said board shall elect one of their number to be president thereof, who, during a vacancy in the office of mayor, or whenever he shall be absent from the city, or be prevented by sickness or any other cause from attending to the duties of his office, shall possess all the powers and perform all the duties of mayor of the said city.

§ 8. The electors of the first seven wards of the said city shall elect annually, by general ticket, four assessors, and the other wards shall together elect, in like manner, one assessor, who shall compose a board of assessors for the said city. They shall perform all the duties required by law to be performed by assessors in towns, except as hereinafter provided. They may divide and apportion their duties in such manner as they or a majority of them may deem most expedient. In making assessments they shall have regard to a just relation in the valuation of real estates between the several wards of the said city. They shall complete their assessment rolls on or before the first day of July, and deliver them on or before the first day of August in each year, to the city supervisors, to be elected in pursuance of the subsequent provisions of this act. The said city supervisors may equalize, alter and correct the said assessment rolls, and shall deliver the same within fifteen days after they shall have received them, to the board of supervisors of the county, who shall issue warrants to the collectors on or before the first Tuesday in September in each year.

Assessors of the first seven wards.

§ 9. The electors of the first seven wards of the said city shall by general ticket elect annually two collectors, and the mayor of the said city shall assign to the said collectors their collection districts; and the eighth and ninth wards shall in like manner elect one collector, and each of the wards of the said city shall elect one constable.

Collectors of the first seven wards.

§ 10. The electors of the first seven wards shall annually, by general ticket, elect five freeholders as supervisors, and the eighth and ninth wards shall in the same manner elect one freeholder as supervisor, and such supervisors shall for all purposes compose part of the board of supervisors of the county of Kings.

Supervisors of the first seven wards.

§ 11. General state elections shall be held in the said city by wards. The common council shall appoint inspectors thereof, and also of the elections for officers of the said corporation. The number of the said inspectors shall be three for each ward. They shall be residents of the wards for which they shall respectively be appointed, and have the same powers as are given by law to inspectors of general state elections. The inspectors for the first election for officers of the said corporation, shall be appointed by the president and trustees of the said village of Brooklyn.

General state elections.

§ 12. Elections for such officers of the said city as are by the provisions of this act to be elected, shall be held annually in each of the wards therein, on the second Tuesday of April, at such places as the common council shall

Election for city officers.

designate. The polls of such elections shall be opened at nine o'clock in the forenoon, and continue open until six o'clock in the afternoon, and no longer. All persons shall be entitled to vote thereat who are or shall be authorized to vote at general state elections; and their right to vote may be tested in the same manner as is or may be provided by law with respect to such last mentioned elections. Vacancies in the office of alderman, shall be filled by special elections, to be appointed by the common council, and conducted in the same manner as an annual election. Vacancies in all other elective offices shall be filled by appointment of the common council. The board of inspectors of elections for the officers of the said city shall, immediately after the election or the next day thereafter, canvass the votes taken thereat, in the same manner and under the regulations prescribed by the Revised Statutes as to general elections; and shall, on the day the canvass is completed, or the next day thereafter, deliver the statements of the results to the clerk of the common council, who shall forthwith file the same. The common council shall form the city board of canvassers, and shall, as soon as conveniently may be, and within eight days after the said statements shall be received and filed, declare and publish the result of the election. The president and trustees of the village of Brooklyn, shall form the board of canvassers for the first election to be held under this act, and shall proceed in the manner herein before directed; and the statements of the results of such elections shall be filed with the clerk of the said board of president and trustees, by the several boards of inspectors of the said election.

Voters not to
be arrested.

§ 13. No person entitled to vote at any election to be held under this act shall be arrested on civil process within the said city, on the day on which such election shall be held.

Officers to be
appointed by
the common
council.

§ 14. The common council shall or may appoint, in and for the said city, a clerk, treasurer, attorney, and counsellor, a street commissioner, a clerk for each market, and a city collector to collect all assessments other than those for the collection of which warrants are to be issued by the board of supervisors of the county. They shall also appoint a sufficient number of marshals, not exceeding seven, who shall be authorized to serve all criminal process, and also all civil process to be issued by the municipal court, or by any justice in the said city. All appointments by the common council, shall be by warrant under the corporate seal, signed by the mayor or by the president of the common council and clerk. All officers

elected or appointed under this act, except to fill vacancies, shall be elected or appointed annually; and shall hold their respective offices for one year, and until others are chosen or appointed in their places, and have taken the oath of office which may be required by law. When an election or appointment is made to fill a vacancy, the person so elected or appointed shall hold his office as long as the person whose vacancy he shall be elected or appointed to fill, would have been entitled to hold the same, if he had continued in office, and until another person is regularly elected or appointed, and has taken the requisite oath of office.

§ 15. The treasurer, street commissioner, and collectors of the said city shall severally, before they enter on the duties of their respective offices, execute a bond to the mayor and common council of the said city, in such sum, and with such sureties, as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for, and pay over, all monies received by them respectively in their official characters. The clerk of the said city shall file the said bonds, with the approval of the common council thereon, to be certified by him.

Certain officers to give bond.

§ 16. Every person appointed to the office of marshal, or elected to the office of constable in the said city, shall, before he enters upon the duties of his office, with two or more sureties, to be approved by the common council, execute, in the presence of the clerk of the city, an instrument in writing, by which such marshal or constable and sureties, shall jointly, and severally agree to pay to every person, who may be entitled thereto, all such sums of money as the said marshal or constable may become liable to pay, by reason, or on account of any execution or distress warrant, which shall be delivered to him for collection. The clerk of the city shall certify the approval of the common council on such instrument, and file the same; and a copy of such instrument, certified by the said clerk under the corporate seal, shall be presumptive evidence in all courts of the execution thereof. All actions on any such instrument, shall be prosecuted within two years after the expiration of the year for which the marshal or constable named therein shall have been appointed or elected, and may be brought in the name of the person or persons entitled to the money which such marshal or constable may have become so liable to pay. It shall be sufficient in any such action to declare generally that, by virtue of such instrument, the defendant or defendants therein, as the case may be, hath or have become

Marshals and constables to give bond.

pers duly filed in his office, transcripts from the records of the proceedings of the common council, and written or printed copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced.

Street Commissioner.

§ 24. The common council shall prescribe the duty of the street commissioner. He shall keep accurate accounts of all moneys received and expended by him by virtue of his office, and render such accounts to the common council as often as he may be required; and in case of failure so to do he shall forfeit the sum of five hundred dollars, to be sued for in an action of debt in the name of the mayor and common council of the city of Brooklyn, and applied when recovered to the use of the said city.

Mayor's salary.

§ 25. The common council shall and may grant and allow to the mayor of the said city, in lieu of all fees and perquisites, such annual salary, to be paid quarterly, as they may deem proper. The clerk, treasurer, street commissioner, city collector, collectors and assessors, and the health physician hereinafter directed to be appointed, shall also respectively receive such compensation, and in such manner as the common council may deem reasonable and shall prescribe. But the mayor and clerk shall receive no additional salary or compensation as president or clerk of the board of health, nor as chairman or secretary of the joint board of supervisors and common council, mentioned in the subsequent provisions of this act; and no increase of the salary of the mayor shall take effect during the term for which the mayor then in office was elected.

Power of the Common Council to make by-laws, &c.

§ 26. The common council shall have the management and control of the finances, and of all the property real and personal belonging to the said corporation, and shall have power within the said city to make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations and by-laws for the following purposes, viz:

1. To appoint watchmen and prescribe their powers and duties; to provide or construct a watch-house or watch-houses, and to govern and regulate the same.

2. To regulate cartmen, porters, hack owners and drivers, measurers, surveyors, weighers, gaugers, packers, common criers and scavengers, and to fix the rates of compensation to be allowed to them; and to prohibit uncompensated persons from acting in either of such capacities.

3. To regulate the manner of weighing and selling hay, except pressed or baled hay, of selling pickled and other fish, and of selling and measuring wood, lime and coal, and to appoint a person or persons to superintend the same,

with such compensation, and to be paid in such manner, as they shall deem most expedient.

4. To regulate butchers and the places and manner of selling meats, and to prohibit unlicensed persons from exercising the occupation of or acting as butchers.

5. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the impounding and sale of the same, and the application of the proceeds to the payment of the penalty which may have been incurred, and costs of the proceedings.

6. To regulate the keeping of swine and cows, and to prevent the keeping in any one place of more than such number as they may deem proper to be so kept.

7. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance.

8. To prohibit and abate all nuisances.

9. To regulate the burial of the dead; to direct the keeping and returning of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

10. To regulate or prohibit the flying of kites or any other amusement or practice having a tendency to frighten horses, or to annoy persons passing in the streets or sidewalks of the said city.

11. To regulate swimming and bathing in the waters, in or bounding the said city.

12. To regulate the locating and manner of keeping of slaughter houses and houses for storing gunpowder. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles, lights and fires in barns, stables and other places peculiarly liable to take fire.

13. To suppress and restrain disorderly houses and groceries, houses of ill-fame, billiard-tables or gaming tables of any description, nine-pin alleys, (or alleys with any other number of pins,) ball-alleys and gambling, and also to suppress and restrain the playing of cards, dice, or other games of chance in places where liquor is sold to be drank therein, and to authorize the removal or destruction of all instruments or devices used for the purposes of gaming. To restrain and punish vagrants, street beggars and common prostitutes. To prevent and quell any riot, noise or disturbance, and to prevent and disperse any disorderly assemblage. To regulate or prohibit the exhibition of common showmen, or of curiosities, or other public exhibitions which may be likely to create or encourage idleness or immorality.





14. To prohibit the selling or giving away of any ardent spirits, to be drank in any shop, store, grocery, out-house, yard, or garden, owned or occupied by the person selling or giving away the same, except by inn-keepers duly licensed; and to prohibit the selling or giving away of any ardent spirits, or intoxicating liquors, to be drank by any child, apprentice, or servant, without the consent of his or her parent, master or mistress.

15. To prevent horse racing, immoderate riding or driving, and to authorize the stopping of persons so racing, or immoderately riding or driving.

16. To prevent obstructions and incumbrances in and upon the wharves, streets and other public places and parts of the said city. To direct and regulate the planting, rearing, and preserving of ornamental trees in the streets. To direct and regulate the flagging of sidewalks, or laying the same with brick; to prevent incumbrances on the same, and to compel the keeping of the same cleared, and free from snow, ice or dirt; and to direct the sweeping and cleaning of streets, by the persons owning or occupying premises fronting thereon.

17. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, privy, sewer, or other house or place which may be in an unwholesome or offensive state, or be likely to become so, to cleanse the same in such manner, and from time to time, as the said common council may think necessary and proper, with a view to promote the health and comfort of the inhabitants of the said city.

18. To regulate the police of the said city.

19. To establish and regulate public pounds.

20. To establish, construct, and regulate public pumps, wells, cisterns, and reservoirs, subject to the provisions hereinafter contained.

Ordinances,
by laws, and
police regu-
lations.

§ 27. The said common council shall have the power to make, establish, repeal and modify all such ordinances, by-laws and police regulations, not contrary to the constitution and laws of this state, as may be necessary to carry fully into effect the powers before and hereinafter given to them, and also all such other and further ordinances, by-laws and police regulations, not contrary to the said constitution and laws, as may in their judgment be necessary and proper for the good government and order of the said city and its inhabitants, and the regulation of the trade and commerce thereof; and to enforce observance of the same by imposing such penalties as they may think proper, to be recovered in the corporate name of the said city, with costs, in an action of debt in any court having cognizance thereof, and applied to the use of the said

mayor and attested by the clerk, to the purchaser, or purchasers of the said premises, or to his, her or their assigns, or legal representatives, for the term for which the same shall have been sold; in which conveyance the proceedings had for the sale thereof shall be briefly set forth; and by force thereof he, she, or they shall be entitled to the possession of the said premises for the term therein specified; and it shall be the duty of all persons who may have possession thereof to surrender the same accordingly; and in default thereof, such grantee or grantees shall be entitled to the same remedy to recover such possession as is by law provided for the removal of tenants who hold over after the expiration of their terms, in any proceeding instituted to recover such possession, the plaintiff shall prove that a demand of the possession has been made subsequent to the execution and delivery of the said conveyance, and no other notice to quit shall be necessary; and the said conveyance shall in any such proceeding be deemed prima facie evidence of the facts therein recited and set forth.

§ 46. Such grantee or grantees, or his, her or their assigns or legal representatives, may at any time within one month after the expiration of the term specified in the said conveyance, remove any building which he, she or they may have caused to be erected thereon, during the continuance of the said term. Buildings may be removed.

§ 47. The common council shall fix the compensation to be paid to the clerk of the said city, or their attorney, for his services in relation to the advertisement, sale and redemption of lands and premises, under the provisions of this act. Fees of city clerk.

§ 48. Nothing in this act contained, shall be construed to affect any agreement between landlord and tenant, or the relation existing by law between them; and if any money be paid by either of them, under or by reason of any of the provisions hereof, which should have been paid, or refunded by the other, the same may be recovered with interest and costs in an action for so much money paid. Saving clause.

§ 49. All ordinances, proceedings and resolutions of the common council of the said city, shall extend to all streets, roads, lanes and alleys within the first seven wards and the fire and watch district, (as the same is by this act or shall hereafter be constituted,) which are now or shall be hereafter actually opened and used as such, whether the same have been or shall be laid out in pursuance of this or any other statute, or by the mere acts of the owner or owners of the land through which they may run. Ordinances to extend to all streets, &c.

Streets not to
be altered
without con-
sent of com-
mon council

§ 50. In cases where any land within the first seven wards, or fire and watch district, (as the said district is hereby or shall be hereafter constituted) has been or shall be set apart by the owner thereof as a street, and is or shall be allowed to remain open and to be used as such; and such street shall have been graded and levelled, paved or McAdamized, by virtue of this or former acts or otherwise, it shall not be lawful for such owner or any other person, to alter and disturb the same without the consent of the common council; and where any owner of lands in the said city shall have heretofore laid out and opened, or shall hereafter lay out and open any street over the same, and such street shall be allowed to remain open and to be used as such for the term of ten years after the passing of this act, the course thereof shall not be altered nor the width thereof diminished, nor shall such street be closed up without the like consent of the common council, but the same shall forever thereafter remain and be considered, to all intents and purposes, as a public street of the said city: And the common council may pass such general or special ordinances as they may deem suitable for that purpose, and may impose such penalties for a violation thereof, not exceeding two hundred and fifty dollars each, as they may think proper, and may renew such penalties from time to time, as may be necessary for any continuance of such violation.

Chimney
sweeps.

§ 51. The common council shall have power to pass ordinances to prevent the occurrence and provide for the extinguishment of fires therein, by regulating the construction of chimneys so as to admit chimney sweeps, compelling the sweeping thereof, and preventing any other than licensed persons from sweeping the same, by preventing the setting, fitting up, or constructing of stoves, stove-pipes, boilers, ovens, apparatus or other thing, in such a manner as to be dangerous, and the deposit of ashes in unsafe places; by authorizing any person or persons whom they may appoint or designate for that purpose, to inspect any place or places to ascertain whether the same is in a safe condition, and to direct or cause the same to be made so; by regulating or preventing the carrying on of manufactories peculiarly dangerous in causing or promoting fires, and preventing the use of fire-works and fire-arms in the streets, and by making such further and other regulations as they may deem judicious; provided that they shall not be authorized to prescribe the materials with which buildings in the said city shall be enclosed or covered.

§ 52. The common council shall procure fire engines Fire engines. and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and also provide fit engine houses and other places for keeping and preserving the same; and shall have power to organise fire, hook and ladder, hose and axe companies; to appoint during their pleasure a chief engineer and two assistant engineers of the fire department, and a competent number of inhabitants of said city, firemen; to prescribe their duties, and to make rules and regulations for their government, and to fix reasonable fines and forfeitures for the violation of the same; and for incapacity, neglect of duty or misconduct, to remove any of them and appoint others in their places.

§ 53. The members of the common council shall be fire-wardens Fire wardens; and the common council may appoint other fire-wardens, and all such fire-wardens shall have such powers and perform such duties, as the common council may by ordinance prescribe.

§ 54. The present firemen of the village of Brooklyn Firemen. shall be firemen of the city of Brooklyn, and shall be subject in all things to the provisions of this act.

§ 55. The firemen of the city shall, during their term of service as such, be exempt from serving on juries, and also from militia duty, except in cases of war, insurrection or invasion. Their privilege. Their names shall be registered by the clerk of the city, and a certificate from the clerk, under the corporate seal of the city, of the appointment of any person as a fireman, and of the time thereof, countersigned by the foreman of the company to which such person may belong, shall be competent evidence to shew that such person is a fireman, and at the time of such countersigning, was actually serving as such.

§ 56. Every person who is now a fireman in the village of Brooklyn, and has served as such ten years, and shall hereafter serve as a fireman of the city one year, or who has served eight years and shall hereafter serve two years, or who has served six years and shall hereafter serve three years, or who has served four years and shall hereafter serve five years, or who has served two years and shall hereafter serve six years, and every other person who is now a fireman in the said village, or who shall hereafter serve as a fireman in the city for the term of eight years, shall thereafter be exempt from serving on juries, and from militia duty, except in case of war, insurrection and invasion.

§ 57. When a building shall be on fire in the city, the mayor, by the advice of the chief engineer, or of the two Buildings may be pulled down.

they will proceed to determine upon the said application; and upon such a day, or such further day as they may then or thereafter appoint for that purpose, they shall proceed to examine the names of the persons originally subscribed, or annexed to the said application, and those which may have been thereafter added thereto; and if the said names shall amount to two-thirds in number of all the persons whose names are contained in the aforesaid list, and the said common council shall be satisfied that the same are genuine, and that the said application has been fairly conducted, they may, by resolution, to be recorded in their minutes, determine in favor of such application; and thenceforth the portion of the said eighth or ninth wards described therein, shall be annexed to, and constitute for all purposes, a part of the fire and watch district of the said city.

Highways.

§ 39. In that portion of the said city, which shall not be comprised within the limits of the first seven wards, or the fire and watch district, the provisions of the act entitled "An act regulating highways and bridges in the counties of Suffolk, Queens and Kings," passed February 23d, 1830, shall apply, subject to the modifications hereinafter contained. For this purpose there shall be three commissioners of highways therein, and as many overseers of highways as there shall be road districts designated by the said commissioners. The said commissioners shall be elected annually, at the regular election for city officers, by the electors residing in the portion of the said city, mentioned in the commencement of this section; and the said overseers shall be appointed annually, on such day, after the said election, as the said common council may fix for that purpose, by the said commissioners, or a majority of them. The said commissioners and overseers shall reside, and be respectively possessed of freehold estates in the portion of the said city above referred to; and they shall hold their offices for one year, and until others are elected and appointed in their places and have taken the necessary oath of office. The account mentioned in the third section of the act above referred to, shall be rendered to the common council of the said city, at such time as they may appoint for that purpose, who shall be the auditors thereof; and the statement mentioned in the fourth section of the said act shall be delivered to the supervisor elected by the eight and ninth wards of the said city. The said supervisor shall lay the said statement before the joint board of city supervisors and common council, at their next meeting, who shall cause the same to be delivered by the clerk of the

board, with the statement mentioned in the thirty-third section of this act, to the board of supervisors of the county of Kings, at their next meeting. The clerk of the said city shall, for all the purposes mentioned in the said act above referred to, be deemed a town clerk.

§ 39. When a road or highway shall be laid out, in pursuance of the provisions of the last preceding section, and of the act therein referred to, the expense thereof, and the damages to be sustained, and the benefit derived therefrom, by the owners of lands and premises affected thereby, shall be ascertained, estimated and assessed, in the manner directed by an act relative to the village of Brooklyn, passed April 30th, 1833. Such damages, instead of being levied and collected upon and from the city at large, shall be assessed upon the lands and premises situate within the said portion of the city in which such road or highway shall be laid out as aforesaid, and through which the same may run, or upon such of the said lands and premises, or parts thereof, as may be benefitted by such road or highway. For the purpose of having such estimate and assessment made, the said commissioners of highways shall, instead of conforming to the course prescribed by the forty-eighth and six following sections of the act referred to in the last preceding section of this act, apply for appointment of commissioners of estimate and assessment, according to the provisions relative to the laying out and opening of streets, avenues and squares in the village of Brooklyn, contained in the said act of April 30th, 1833; and the said commissioners of highways shall, for all the purposes of the said provisions, be substituted in the place of the common council of the said city. The same proceedings shall thereupon be had upon such application, and by the said commissioners when appointed, and upon and in relation to their report, as are directed by the provisions before referred to respecting streets, avenues and squares, in the said village of Brooklyn. An appeal may be made from the said report and disposed of in like manner, and the courts named in the said provisions shall have similar powers and proceed alike in both cases.

Damages
how to be as-
sessed.

§ 40. The common council shall have power to cause all streets and parts of streets, avenues and squares within the first seven wards, and the fire and watch district of the said city, to be graded, levelled, gravelled, paved or MacAdamized, and to cause cross walks to be made and drains and sewers to be constructed. They may also cause any such streets, or parts of streets, avenues and squares to be provided with lamp posts and lamps, and

Streets, ave-
nues and
squares.

and in case of such refusal or omission to comply with such order, or if there be no person having charge of such vessel, the mayor, or the three aldermen aforesaid, may cause such vessel to be removed, and recover the expense thereof from the master, owners or consignees of the said vessel, in an action in the corporate name of said city, for so much money paid to his or their use.

Noxious or
offensive
trades.

§ 64. The common council of the city may prescribe and fix certain limits in the city, within which it shall not be lawful to carry on any noxious or offensive trades, manufactories or establishments, which in their opinion will be likely to endanger the public health, or prove a nuisance to the neighborhood in which the same may be so carried on, and may enforce obedience to any general or special ordinance which they may pass for that purpose, by a penalty, and may add new and further penalties as may be necessary for the continuance of a violation of any such ordinance.

Overseers of
the poor

§ 65. There shall be elected in the city, at the annual city election to be held therein, by general election of the electors of the several wards, three overseers of the poor, two of whom shall be taken from the portion of the city constituting the first seven wards, and the other from the portion thereof constituting the eighth and ninth wards. There shall also be elected in like manner, three commissioners and three inspectors of common schools, one of which commissioners and one of which inspectors shall be taken from the last mentioned portion, and the others from the first mentioned portion of the city. All the provisions of the Revised Statutes, and of any acts amendatory thereof, in relation to the relief and support of indigent persons and of common schools, which now apply to the town or village of Brooklyn, shall be deemed to apply to the city of Brooklyn. The common council shall be and are hereby constituted a board of auditors in lieu of the board of town auditors, and they shall have power to require the exhibition and rendering of books and accounts to them from time to time.

Municipal
court

§ 66. The provisions of the act entitled "An act to reduce the law incorporating the village of Brooklyn, and the several acts amendatory thereof, into one act, and to amend the same," passed April 3d, 1827, which relate to the organization of the municipal court, the proceedings therein, and the jurisdiction and powers of the justices thereof, and all subsequent acts and parts of acts relating to the said court, or the justices thereof, shall be deemed to apply and are made applicable to the city of Brooklyn; and the said court, as now organized in and for the said

village, shall continue such in and for the city of Brooklyn, subject to the said provisions, acts and parts of acts, except as is hereinafter otherwise directed; and the powers now vested in the trustees of the said village in relation to the same, are hereby transferred, subject to the like exception, to the common council of the said city.

§ 67. The clerk of the said court shall, on the first Monday of June in each year, and semi-annually thereafter, make a return under oath to the common council of the said city, of the fees received in the said court, specifying therein separately the amount received in each suit. Clerk to report fees.

§ 68. The justices of the municipal court shall have all the powers in criminal proceedings of justices elected in the several towns in this state. The common council shall provide an office or suitable place, where it shall be the duty of the said justices or of one of them, to attend at such time in the morning and during such hours in the day as the said common council shall fix for that purpose, to hear complaints, take examinations, and commit or discharge all persons arrested during the night and detained in the watch-house. Justices of municipal court.

§ 69. The common council shall have power to call meetings of the freeholders and inhabitants of the said city, at such time and place as they may think proper, by giving eight days notice thereof; and it shall be lawful for the taxable inhabitants at any such meeting, to direct a sum of money to be raised for purchasing a lot or lots of land in the said city, (the title of the same to be taken in the name of the mayor and common council of the city of Brooklyn,) and of erecting thereon any public buildings which may be required for the said city, or for purchasing or hiring a lot or lots of land as aforesaid, with a building or buildings already erected thereon, to be appropriated to the same purposes; which sum so directed to be raised shall be assessed, levied and collected in the same manner as other moneys are assessed, levied and collected in the said city for general city purposes, and when collected, the same shall be paid into the city treasury. Lots for public buildings.

§ 70. All the estate, real and personal, vested in or belonging to the president and trustees of the village of Brooklyn, or to the town of Brooklyn, at the time this act shall take effect as a law, shall be, and is hereby declared to be, vested in the mayor and common council of the city of Brooklyn. Real estate.

§ 71. All debts, charges, claims and responsibilities, for which the village of Brooklyn may be now liable, except for the expense of building the public market therein, shall be paid by the owners of lands and inhabitants with- Debts.

in the fire and watch district of the city of Brooklyn; and all debts, charges, claims and responsibilities for which the portion of the town of Brooklyn which by this act is constituted the eighth and ninth wards of the city of Brooklyn, or any part thereof, may be now liable, shall be paid by the owners of lands and inhabitants within the said last mentioned wards.

Certain sections repealed.

§ 72. The act of April 3d, 1827, entitled "An act to reduce the law incorporating the village of Brooklyn, and the several acts amendatory thereof, into one act, and to amend the same," (except the thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, sixty-second, sixty-third, and sixty-fourth sections thereof, and except such parts thereof as relate to the quarantine regulations and health law, and the provisions therein relative to the municipal court,) is hereby repealed; but no vessel subject to the examination of the health officer of the port of New-York, which may not be permitted to leave the quarantine ground and to approach or come up to the wharves of the city of New-York, shall be permitted to leave the quarantine ground and to approach or come up to the wharves of the city of Brooklyn; and in the event of any vessel lying at the wharves of Brooklyn being ordered away in consequence of having on board any pestilential or infectious disorder, the said vessel or vessels shall be ordered into the North river at the anchorage ground opposite to and at a distance from the Battery of not less than one thousand feet; and such parts of the said act as are not hereby repealed, and the act relative to said village, passed April 30th, 1833, and all other acts applying to the village of Brooklyn or the president and trustees thereof, shall, except so far as the same are hereby altered, or are inconsistent with the provisions of this act, be deemed to apply to the city of Brooklyn and the mayor and common council thereof. No right accrued, or suit, or other proceeding instituted under said act or acts, shall be affected by such repeal, except that every such suit or proceeding shall be continued in the name of or against the mayor and common council of the city of Brooklyn, instead of the president and trustees of the village of Brooklyn.

Duration of office.

§ 73. The officers elected or appointed by virtue of the acts hereby repealed, shall continue in office until others shall be elected or appointed in their places, and take the oaths of office which may be required by law.

Suits.

§ 74. Any person sued for any thing done by virtue of this act may plead the general issue, and give the special matter in evidence at the trial.

§ 75. Where a penalty is created or authorized to be created by this act, and no particular provision is herein made as to the application thereof when recovered, such penalty shall, when so recovered, be paid into the city treasury for the use of the said city. Penalties.

§ 76. The first election for city officers shall be held on the first Monday of May next. At such election no aldermen shall be elected for the first five wards of the said city, but the trustees of the village of Brooklyn now in office in the several districts of the village of Brooklyn, shall, after this act shall go into effect, be deemed to all intents and purposes aldermen of their respective wards. The officers to be elected at such first election, and those who by the provisions of this act may be appointed at the time fixed thereby for the making of the first appointments, shall hold their offices until and including the last day of April, one thousand eight hundred and thirty-five, or until others are elected or appointed in their stead. This act shall go into effect, and the officers constituted and to be elected as above mentioned, shall enter on the duties of their respective offices on the third Monday of May next. The term of office of all officers and persons to be elected and appointed under this act, shall, after the year one thousand eight hundred and thirty-four, except when provision is otherwise made in this act, commence on the first day of May, and continue until the last day of April in each year, or until others are elected or appointed in their places, and take the oath of office which may be required by law. First election

§ 77. Nothing in this act contained, shall take away, abridge, or impair any of the rights, privileges, or immunities of the mayor, aldermen and commonalty of the city of New-York. City of New-York.

§ 78. This act shall take effect immediately on the passage thereof; and the legislature may at any time hereafter, alter, modify and repeal the same. Act to take effect.

CHAP. 93.

AN ACT *authorizing the circuit judge of the second circuit to alter the terms of the courts in that circuit.*

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The circuit judge of the second circuit may, at any time before or during the month of July next, alter Forms may be altered.

the times now fixed for holding the terms of the court of chancery and circuit courts, and courts of oyer and terminer, or either of them, to be held in said circuit.

For two years.

§ 2. The appointments when so made shall remain unaltered for two years from the first day of January next.

Notice.

§ 3. Notice of such appointments shall be given in the manner prescribed by the seventh, eighth and ninth sections of title four, chapter first, part third of the Revised Statutes.

Act to take effect.

§ 4. This act shall take effect immediately on its passage.

CHAP. 94.

AN ACT relating to the court of common pleas for the city and county of New-York.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

An associate judge to be appointed.

§ 1. An associate judge shall be appointed for the court of common pleas for the city and county of New-York, in the same manner as judges of the several courts of common pleas of this state now are appointed, who shall be a counsellor of the supreme court, and shall have the same power to hold said court of common pleas as the first judge thereof, and may equally with him, as presiding judge, authenticate the records of said court.

His fees.

§ 2. Such associate judge shall receive a like judge's trial fee, for every cause noticed for trial in said court, as is allowed in the superior court of the said city, to be received in the same manner and with the same restriction.

Duration of term.

§ 3. Each term of said court may continue until the end of the fourth week after the commencement thereof, and a new panel of jurors may, by order of said court, be summoned for the two last weeks of said terms, and any writ or process may be tested on any day in term, and be made returnable on any other day in the same term or the next term: provided, however, that said court may be adjourned on any day previous to the expiration of the term, and also from any one day in term, over to any other day in the same term.

Power of the judges at chambers.

§ 4. The said first judge and associate judge shall, except when sick or absent from said city, have sole and exclusive authority at chambers, touching any suit, security, judgment or proceeding in said court.

§ 5. All the powers now vested in the said first judge ^{or the associate judge.} by virtue of the statutes of this state relative to any legal proceedings, are hereby given also to the said associate judge; and any proceeding commenced by one of said judges, may, in his absence, be continued, decided and perfected, by the other of the said judges.

§ 6. The said associate judge shall have the same power ^{General sessions.} as the said first judge, to hold, and in the same manner preside in the courts of general sessions of the peace in and for the city and county of New-York.

§ 7. This act shall continue in force for the term of ^{duration of act.} five years from its passage.

§ 8. This act shall take effect immediately after the ^{Act to take effect.} passage thereof.

CHAP. 95.

AN ACT authorizing Herman Le Roy, junior, to erect a dam across a creek in the township of Pelham and county of Westchester.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Herman Le Roy, junior, of Pelham township in ^{H. Le Roy, Jr. may erect a dam.} the county of Westchester, his heirs and assigns, are hereby permitted and empowered, for his and their own use and benefit, to erect, construct and keep, across the creek or inlet running from Pelham bay into and surrounded by his lands in said township and county, at the mouth of said creek or inlet, a dam, dike or mound, of such height, shape and materials as may be necessary to enclose or dam up the waters of said creek or inlet, and the land covered thereby, and to apply said last mentioned land to his own benefit as an oyster pond or bed, or any other purpose, provided the extremities of said dam, dike or mound rest upon the said land of the said Herman Le Roy, junior.

§ 2. The said Herman Le Roy, junior, his executors, administrators or assigns, may commence and prosecute ^{May prosecute for trespass.} actions of trespass against all persons trespassing on said land covered with water so enclosed as aforesaid, or doing any injury to the said dam, dike or mound, or the appurtenances, and recover the damages by him or them sustained by such injury.

CHAP. 96.

AN ACT to amend the act entitled "*An act to incorporate the Mayville and Portland rail-road company,*" passed March 29, 1832.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The capital stock of the Mayville and Portland rail-road company shall be fifteen thousand dollars; and whenever, according to the provisions of the act hereby amended, the subscriptions to the capital stock of the Mayville and Portland rail-road company shall amount to that sum, the commissioners in said act named, may distribute the same in the manner therein provided: and the said company may thereupon be organized, and may commence their operations, under and according to the provisions of the act hereby amended.

CHAP. 97.

AN ACT authorizing the commissioners of highways of the towns of Watertown and Pamela in the county of Jefferson, to borrow money.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Commissioners may borrow \$500.

§ 1. It shall be lawful for the commissioners of highways of the town of Watertown, in the county of Jefferson, to borrow on the credit of the said town, a sum not exceeding six hundred dollars, at a rate of interest not exceeding seven per cent per annum.

Also \$300.

§ 2. It shall be lawful for the commissioners of highways of the town of Pamela, in the said county, to borrow on the credit of said town, a sum not exceeding the sum of five hundred dollars, at the rate of interest aforesaid.

How to be applied.

§ 3. The money to be borrowed as aforesaid, shall be applied by the said commissioners of highways in their respective towns towards the repairing or rebuilding bridges in their said towns, and to defray the expenses already incurred by them respectively as to bridges in said towns respectively.

How to be repaid.

§ 4. The money so to be borrowed as aforesaid, shall be repaid in two equal annual instalments, with the inte-

rest by a tax to be levied, assessed and collected of the respective towns, and paid in the same manner as the annual tax is assessed, levied and collected.

§ 5. The commissioners aforesaid shall not borrow the money aforesaid, until the inhabitants of their respective towns shall, at an annual town meeting, by their vote have determined that such loan should be made, and the amount of said loan. The town to vote.

§ 6. The said commissioners shall respectively grant to the individual or corporation of whom the said loan is made, a certificate stating the amount of money borrowed for the town for which they are commissioners, and the terms of said loan; and the credit of each town is hereby pledged for the payment of the loan made for its benefit. Commissioners to give certificate.

§ 7. Should any loan or loans be made as aforesaid, it shall be the duty of the board of supervisors of the county of Jefferson, to cause a sufficient amount to be levied and collected of each town respectively, as other town charges, to discharge the loan on account of such town according to the terms of said loan. Money to be raised by tax.

§ 8. This act shall take effect immediately after its passage. Act to take effect.

CHAP. 98.

AN ACT relative to the office of register for the city of New-York.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All the acts of Gilbert Coutant, as register for the city of New-York from the first day of January last up to the time when William H. Bunn, the incumbent, entered upon the duties of said office, are hereby confirmed and declared valid.

§ 2. This act shall take effect immediately after its passage.

CHAP. 99.

AN ACT to amend an act to incorporate the Dutchess whaling company.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The time within which the said company is required to have fifty thousand dollars of its capital stock paid in, and an affidavit made by the president of the said company, shewing that the said sum of fifty thousand dollars has been so paid in, filed in the office of the secretary of state; in order to entitle the said company to commence its said business, and with that capital to conduct and carry on the same, is hereby extended until the first day of March next, any thing in the said act or the Revised Statutes to the contrary notwithstanding.

§ 2. This act shall take effect from the passage thereof.

CHAP. 100.

AN ACT relative to the south half of the gospel and school lot in the town of Guilford, in the county of Chenango.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Lands may
be leased.

§ 1. The supervisor and overseers of the poor of the town of Guilford, shall have power from time to time to lease out for the benefit of said town, any land in the south half of lot number fifty of the gospel and school lot, which has not been leased, and also any part of said south half on which the existing lease or leases may become forfeited, on such terms as they shall deem beneficial to the interest of said town.

Rents.

§ 2. The inhabitants of said town of Guilford shall have power, at any annual town meeting hereafter held, to appoint one or more persons to receive the rents accruing from said lot; and that the rents and proceeds thereof which have already accrued, after deducting necessary charges, shall be equally divided between the legally incorporated religious societies in said town; and the rents and proceeds hereafter accruing, shall be appro-

prated to the use of common schools, in such manner as the inhabitants of said town shall, at their annual town meeting, from time to time direct.

CHAP. 101.

AN ACT to authorize the building of a school-house in the village of Lewiston.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The trustees of school district number one, in the village of Lewiston, are hereby authorized to purchase a site for an additional district school-house, and to build, hire or purchase, keep in repair and furnish such additional school-house with necessary fuel and appendages, out of the funds collected and paid to them for such purposes.

§ 2. The inhabitants of said district entitled to vote, when lawfully assembled in district meeting, shall have power by a majority of the votes of those present, to lay such tax on the taxable inhabitants of the district, as the meeting shall deem sufficient to carry into effect the provisions contained in the first section of this act.

CHAP. 102.

AN ACT authorizing John A. Seaverson, Philip Seaverson and Richard V. V. Waldron to erect a dam across the Susquehannah river.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for John A. Seaverson, Philip Seaverson and Richard V. V. Waldron, their heirs and assigns, to erect a dam across the Susquehannah river, in the town of Conklin, in the county of Broome, opposite to the north half of lot number twenty-three, in Thomas' patent, not exceeding twenty inches above the low water level; but there shall be constructed and maintained in said dam, a sluice-way of such dimensions and construction as to render the passage safe and easy for boats, arks and rafts, at all times during the continuance of said dam.

Saving
clause.

§ 2. Such dam shall not be so constructed as to affect or injure the rights or property of any person, unless the consent of such person shall first be obtained; and this act and every thing herein contained shall be deemed subject to a right in the Legislature at any time hereafter to alter, modify or repeal the same.

CHAP. 103.

AN ACT to alter the time of holding the February term of the court of common pleas and general sessions, in the county of Greene.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The present term of the court of common pleas and general sessions in and for the county of Greene, now held on the first Monday in February, shall hereafter be held on the second Monday in February in each year.

CHAP. 104.

AN ACT to incorporate the village of Springville.

Passed April 11, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Location. § 1. All that district of country in the town of Concord and county of Erie, designated as lots number two, three, eight and nine, in the sixth town and sixth range of townships, according to a map and survey made for the Holland land company by Joseph Ellicott, surveyor, shall hereafter be known and distinguished by the name of the village of Springville.

Corporation created. § 2. The inhabitants of said village shall be a corporation, by the name of "The Trustees of the Village of Springville," and may take, hold, purchase and convey such real and personal estate as the purposes of the corporation may require; but no purchase or conveyance of real estate shall be made, unless authorized by a vote of the electors at an annual meeting.

Annual meeting. § 3. There shall be an annual meeting, at some proper place in the said village, on the first Tuesday in May, and all inhabitants qualified to vote at town-meetings may vote

at all village meetings. All meetings shall be called by notice published for two weeks in all the public newspapers published in said village; or by posting a notice in writing in three public places in said village, for ten days, which notice shall designate the time and place of meeting. The first meeting shall be called by a justice of the peace of the town of Concord, and any justice of said town may preside thereat, and all subsequent meetings shall be called by the trustees of said village, who shall preside at the same. The said inhabitants at their annual meetings, may elect by ballot, and by a plurality of votes, five trustees, three assessors, one clerk, one treasurer, one collector, one constable, and one pound master, all of whom shall be inhabitants of said village. All persons elected or appointed to any office or place in said village, shall, within ten days after such election or appointment, and before they commence the duties of their offices, give notice in writing of their acceptance. Those elected at the first annual meeting shall give notice of their acceptance to the justice who presided thereat, to be by him delivered to the clerk, and all others to the clerk of said village, and no oath of office shall be required. The inhabitants of the said village liable to pay taxes assessed upon their real and personal property, may, at an annual meeting, vote to raise by tax a sum not exceeding five hundred dollars in any one year, and shall specify the purposes for which it is intended and to which it shall be applied; and may determine the compensation to be allowed to any officer of the said village. The presiding officers at said meetings shall have the same powers as inspectors of elections, and shall canvass the votes and declare the results. The duration of all elective offices shall be one year; but the treasurer and clerk shall continue in office until their successors have filed their acceptance.

First meeting
to elect officers.

§ 4. Vacancies in the board of trustees occurring in any manner, shall be filled at a special meeting of the inhabitants called by the remaining trustees, and conducted in the same manner as an annual meeting. Vacancies in all other offices shall be filled by appointments by the trustees. All appointments shall be by warrant, signed by the trustees and under their corporate seal. In case of a failure to elect trustees at an annual meeting, or if from any cause there should be no trustees, the treasurer and clerk shall call and preside at a meeting for the election of trustees.

Vacancies.

§ 5. Within ten days after their election, the trustees shall elect one of their number to be their president, and may designate any other member to preside at their meet-

President.

By laws.

ings in the absence of the president, and to supply his place in case of vacancy. They shall have stated meetings as a board, and any trustee may call a special meeting by notifying the other trustees. Complaints and petitions shall be presented to the board. The said trustees may make, enact and publish, repeal and amend by-laws, police regulations and ordinances for clearing off and cleansing the streets, alleys, highways and public squares, and for preventing the dangerous construction and condition of chimneys, fire-places, stoves and stove-pipes, and for inspecting the same; for preventing fires and the use of fire-works and fire-arms in the streets, and the deposit of ashes in unsafe places; to compel the owners of shops, houses and stores to have scuttles on the roofs; to prevent immoderate riding or driving in said village; to prevent, abate or remove nuisances; to appoint twenty firemen to every engine at any time possessed by the said village, and ten members of every hook and ladder company; to organize fire companies and hook and ladder companies, and to prescribe the rules for their government, and to regulate the time and manner of their exercise; to provide engines and all necessary apparatus for the extinguishment of fires, and to require the inhabitants to provide and keep fire buckets; to compel the inhabitants of said village to aid in the extinguishment of fires, and to prescribe the mode of operations; to protect property in case of fire; to prevent the encumbering of streets and side-walks, and to protect the same from encroachment and injury; to protect trees in said village; to restrain the running at large of cattle, beasts and animals of all kinds; to light the streets; for constructing and preserving reservoirs, and regulating the use thereof; to establish a pound; to establish and regulate markets, and to restrain sales in the streets; and to enforce an observance of all such by-laws, police regulations and ordinances, by a penalty not exceeding fifteen dollars, to be sued for in the corporate name, and recovered before any justice of the peace in the county of Erie, in an action of debt, in which the pleadings shall be general, and this act and any proper special matter may be given in evidence, and no inhabitant of the said village shall for that cause be disqualified from being a justice, juror, witness or constable on the trial of any cause for the recovery of any such penalty. All penalties shall be paid to the treasurer for the use of the village; and the trustees may remit penalties in whole or in part.

Constable
and pound-
master.

§ 6. The constable and pound-master shall have the same powers and rights, and be charged with the same duties and responsibilities as the same officers in towns;

but the constable shall not serve any process in civil suits out of the said village, except in favor of the said village, or against a person fleeing therefrom. The treasurer, collector, constable and pound-master shall give a bond with such sureties and in such amount as the trustees shall require, for the faithful performance of the duties of their offices, and may be prosecuted in the corporate name thereupon for any violation of the condition thereof. Any compensation that may be voted at an annual meeting to the collector, or any other officer of the said village, may be added to the amount of any tax that may be raised and collected with the said tax.

§ 7. The assessors shall make all assessments for taxes Assessors. as soon as may be, after every annual meeting at which a tax shall be voted, and the trustees may prescribe a time within which they shall complete it, by a resolution, a copy of which shall be served on each assessor by the clerk. In making assessments, the assessors shall proceed in the same manner, give the like notice, and have the same power to make corrections as assessors in towns. When they shall have completed the assessment roll, they shall deliver one copy of it to the clerk and another to the treasurer. A copy of the assessment roll, certified by the clerk, with a warrant attached, signed by the trustees, and under the corporate seal, shall be delivered to the collector, commanding him within the time to be specified therein, to collect of each individual named in the assessment roll, the amount of tax assessed to each respectively, and to pay the same to the treasurer; and the collector shall have the same powers, and be subject to the same liabilities as collectors in towns. All assessments for the general purposes of the village shall be made upon the taxable real and personal property in said village, as near as may be, according to the last corrected assessment roll of the town of Concord. All assessments for local improvements shall be made upon the property of those deemed to be benefitted thereby, in proportion to their respective benefits. The trustees shall determine who are to be assessed, and shall furnish the assessors with a list containing the names of all such persons, and the aggregate amount to be assessed, and the assessors shall make the assessment upon those only. No inhabitant of said village shall vote on a question of taxation, unless he be liable to be assessed for the payment of a tax for the general purposes of the village.

§ 8. All assessments for taxes upon real estate shall be Assessments. against the owner and occupant, and may be collected of

either, and if paid by the occupant, may be recovered by him in an action against the owner, for money paid at his request. Taxes against non-resident owners of land may be collected in the ordinary way, or by suit in the corporate name. A certificate under the corporate seal, signed by the president and clerk, specifying the amount of tax, the lots, or lands upon which it was assessed, when the assessment was made, and the name of the person assessed, shall be evidence in any such suit. Interest and costs shall be allowed in all such cases.

Penalties.

§ 9. All penalties for the violation of any ordinance restraining cattle, beasts and animals from running at large, shall be collected by suit, and not by empounding and sale. All cattle, beasts and animals may be empounded for such violation, and sold for non-payment of the fees of the pound-master, in the same manner and upon the like notice as is required in the case of strays. The surplus of any such sales, deducting the fees of the pound-master, shall be paid within ten days thereafter, to the treasurer of the village for the owner, if claimed within three months, if not, for the benefit of the village.

**Shows may
restrained.**

§ 10. The trustees may restrain all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical, or other shows or exhibitions, or performances for money in said village.

Treasurer.

§ 11. The treasurer shall receive all moneys belonging to the village, and shall keep an account of all receipts and expenditures in such manner as the said trustees shall direct, and subject at all times to their inspection. All moneys shall be drawn from the treasurer by warrants, under the corporate seal, signed by the trustees and countersigned by the clerk, who shall keep a copy thereof, which warrants shall specify for what purpose the amount specified therein is to be paid. The treasurer shall exhibit at every annual meeting a full account of all the receipts and expenditures of the preceding year, and of the state of the treasury, which statement shall be filed in the office of the clerk.

Clerk.

§ 12. The clerk shall keep the corporate seal, and all papers belonging to the said village, and make a record of all the proceedings of the inhabitants at their meetings, and of the trustees, whose meetings it shall be his duty to attend.

Fire wardens

§ 13. The trustees shall be fire wardens, and shall have the charge of all the engines belonging to the said village, and all other apparatus for the extinguishment of fires, and all other village property, and they shall appoint the

officers of the fire and hook and ladder companies. The firemen and hook and ladder men shall be exempt from service on juries in courts of record, and in the militia, except in case of war, invasion or insurrection. The evidence to enable them to avail themselves of the above exemptions, shall be a warrant under the corporate seal, signed by the trustees and clerk, and dated within the year in which the exemption is claimed.

§ 14. The said village of Springville shall be a road district, and shall be exempt from the superintendence of the commissioners of highways for the town of Concord. And the trustees of said village shall be commissioners of highways, and shall have the same powers and be charged with the same duties over the roads in said village, as commissioners of highways in towns have or possess. They may divide the said village into districts, and may appoint an overseer in each, who shall hold his place during their pleasure; and all such overseers shall have the same powers and liabilities as overseers of highways in towns. The said trustees may cause such portion of the work to be laid out, and in such places on the highways leading into the said village, as the inhabitants of said village at their annual meeting may direct. The overseers shall make their return to the trustees.

§ 15. If any person having been an officer in the said village, shall not within ten days after notification and request, deliver to his successor in office all the property and effects of every description in his possession belonging to the said village, or appertaining to the office he held, he shall forfeit and pay one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, to be recovered in the corporate name, for the use of the village, in any court having cognizance of such actions. All suits in behalf of the said village, shall be ordered and conducted by the trustees.

§ 16. The trustees upon the petition or consent in writing of a majority of the persons liable to be assessed therefor, may lay out, make and open streets, roads, alleys or highways in the said village, (but no building shall be removed without the consent of the owner,) and shall in all such cases cause the same to be accurately surveyed, described, and recorded in a book to be kept by the clerk of the said village, and the same when opened and made shall be public highways. And the said trustees may, upon like petition or consent, cause to be made or repaired, sidewalks and crosswalks in the said village. But all persons liable to be assessed for sidewalks shall have the opportunity to construct them in front of their own lots, but

if not done in the manner, of the materials, and within the time prescribed by the trustees, they may cause the same to be constructed, and assess the expense upon the owners. All assessments for the laying out, opening and making streets, alleys, roads or highways, or for constructing and repairing crosswalks or sidewalks, and for all other local improvements, shall be made only upon the property of those who are deemed to be benefitted, and shall be in proportion to their respective benefits. The trustees shall determine who are to be assessed, and shall furnish the assessors with a list containing the names of all such persons, and the amount to be assessed, and the assessors shall, within the time specified by the trustees, make the assessment upon such persons only, and in proportion as they shall deem each to be benefitted by the particular improvement for which the assessment is made. When the assessment is made, the assessors shall give the like notice and have the same power to make corrections as in the case of assessments of taxes; and they shall deliver a corrected copy of the assessment roll to the clerk of the village for the trustees. Any person conceiving himself aggrieved may appeal within six days after the delivery of the assessment roll to the clerk, to the trustees for the correction of the assessment. The appeal shall be in writing, and shall be delivered to the clerk or president of the board. In case of an appeal, the trustees shall appoint a time within ten days thereafter for hearing those who are interested, and shall cause a notice to be posted for five days in some convenient place, designating the time and place and object of hearing, and they shall alter the proportions in such assessment, if they are satisfied that injustice has been done by the assessors. Damages in case of laying out, opening and making any new street, alley, road or highway, in said village, shall be determined in the same manner as in case of roads and highways in towns, and the trustees shall have the same power as commissioners of highways to make agreements. Application for assessments may be made to the justices by the trustees or by any person claiming damages, and the jury may be taken from the village, or from without, as the justices may deem expedient. The verdict of the jury shall be returned to the trustees, and they shall have the same powers to increase or reduce the damages, as the board of supervisors in cases of highways in towns. When the damages shall be liquidated, they shall form a part of the amount to be assessed by the assessors, as herein before described. If the first assessment prove insufficient, the trustees may cause another to be made in the same manner, and if too large an amount shall at an,

Assessments
how to be
made.

Appeal.

Damages
how to be
determined.

time be raised, the excess shall be refunded rateably to those by whom it was paid. All assessments for improvements authorized by this section shall be made upon real estate and collected of the owner thereof only. The collections may be made by the collector, in the same manner as taxes are by this act directed to be collected, and with like authority, or by suit in the corporate name, with interest and costs. The assessment roll filed in the office of the clerk, shall be evidence on the part of the corporation. A corrected copy of the assessment roll shall in all cases authorized by this section, be filed in the office of the clerk of the village, and the assessments shall remain a lien on the premises described therein respectively for one year only. In case of non-payment, the said premises may be sold at any time within the year, and after the expiration of nine months from the filing of the assessment roll. Before any such sale, an order shall be made by the trustees, which shall be entered at large by the clerk, in the records of the village, directing the collector to sell, and particularly describing the premises to be sold, and the assessment for which the sale is to be made, a copy of which order shall be delivered to the collector. The collector shall then advertise the premises for six weeks, in the manner required in the case of mortgage sales, and the sale shall be conducted in the same manner. The proceedings may be stopped at any time by the owner paying to the collector the amount of the assessment, interest, and the expenses of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises, and pay the assessment, interest and expenses. Affidavits of the advertisement shall be made as required in the case of mortgage sales, and filed in the office of the clerk of the village; and the affidavit of sale shall state precisely the amount of the assessment, interest and expenses, for which the sale was made. In case of sale, the collector shall receive for his services, no additional fees. The right of redemption in all cases of such sales, shall exist to the owner and his creditors, in the same manner and to the same extent, as is allowed by law in the case of sales of real estate by virtue of execution. The money, in case of redemption, may be paid to the purchaser, or for him to the clerk of the village. In case of no redemption, the trustees of the village, at any time after the expiration of fifteen months from the day of sale, make to the purchaser, or his legal representatives, a declaration in writing under the corporate seal, signed by the trustees, containing a description of the premises, the fact of the assessment, advertisement and sale, and the period for which

Sales may be ordered.

the premises were sold, which declaration shall be evidence of a right to the use and occupancy of the premises for the said period from the day of sale. All buildings put on such premises in the exercise of such right of occupancy, may be removed at the expiration thereof. Any person interested may appeal from any order of the trustees, for laying out, opening, or making any street, alley, road or highway, to the court of common pleas for the county of Erie, by notice in writing delivered to the clerk of the village, or one of the trustees, within ten days after filing the survey and the description thereof, in the office of the clerk. The only ground of appeal shall be the want of conformity in the proceedings of the trustees, to the provisions of this act. The propriety or utility of the street, alley, road or highway, or the correctness of the assessment of damages or taxes shall not constitute a ground of appeal. In case of appeal, the trustees shall make return within ten days after notice thereof, and the court of common pleas shall, at the term next after the return, which shall be filed in the office of the clerk of the county, proceed to hear and determine the appeal, and shall confirm or annul the proceedings of the trustees.

Right to repeal.

§ 17. The legislature may at any time, alter, modify or repeal this act; the same shall take effect immediately on the passage thereof.

CHAP. 105.

AN ACT authorizing the board of supervisors of the county of Rensselaer, to raise money for the purpose of paying a balance due for building a bridge in the town of Schaghticoke, in said county.

Passed April 12, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

The sum of two thousand dollars to be raised by tax.

§ 1. The board of supervisors of the county of Rensselaer, are hereby authorized and required to raise by tax, to be levied upon the taxable property in the town of Schaghticoke, in said county, in the same manner as other town charges are levied and raised, a sum not exceeding two thousand five hundred dollars, in annual instalments as follows, to wit: Said board of supervisors, at their next annual meeting after the passage of this act, shall cause to be levied and raised as aforesaid, the sum of five hundred dollars, (in addition to the sum now authorized by law to be raised for the support of roads and bridges,)

and in like manner the sum of five hundred dollars in each and every succeeding year thereafter, until the balance now due from said town for expenses incurred in building a bridge during the last year across the Tomhanick creek, in said town, shall be paid.

§ 2. All moneys raised by virtue of this act, or any part thereof, when collected, shall be paid over to the commissioners of highways of said town, who shall forthwith apply the same, towards the payment of such debts as may remain due for expenses incurred in building the bridge aforesaid. Moneys how to be disposed of.

§ 3. Such commissioners shall account for all moneys which shall come into their hands by virtue of this act, in the same manner as they are by law directed to account for moneys by them received for the improvement of roads and bridges. Commissioners to account.

CHAP. 106.

AN ACT to revive and amend an act, entitled "*An act to incorporate the Greenbush and Troy turnpike company,*" passed April 14, 1826.

Passed April 12, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act, entitled "*An act to incorporate the Greenbush and Troy turnpike company,*" passed April 14, 1826, is hereby revived and shall continue in force. Act revived.

§ 2. Henry Vail, Samuel Gale, James Woods, Abraham P. Staats, John T. McCoun, Thaddeus B. Bigelow and Le Roy Mowrey, shall be the commissioners to receive subscriptions and distribute the capital stock, instead of the persons named in the second section of the act hereby revived and amended. Subscriptions to stock.

§ 3. James Woods, Henry Vail and Thaddeus B. Bigelow, shall be the commissioners to survey and lay out the road authorized by the act hereby revived and amended, instead of the persons named in the fifth section of said act. Commissioners to lay out road.

§ 4. The corporation hereby revived shall possess the general powers and privileges, and be subject to the general liabilities of turnpike corporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes. General powers.

CHAP. 107.

AN ACT for the relief of school district number three, in the town of Gates, in the county of Monroe.

Passed April 15, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The inhabitants of school district number three, in the town of Gates, in the county of Monroe, qualified to vote at a district meeting, shall have power, by a majority of votes of those present at any district meeting, to raise, by a tax on the property of the district, a sum not exceeding forty dollars, for the purpose of replacing an amount lost by the defalcation of the collector of said district.

CHAP. 108.

AN ACT to authorize George Rapelje to build a bridge over the Eastchester creek, in the county of Westchester.

Passed April 15, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Bridge may
be built.

§ 1. It shall be lawful for George Rapelje, his heirs or assigns, to erect and maintain, at his or their own expense, a good and substantial bridge across the Eastchester creek, in the county of Westchester, at the place where the bridge formerly stood; which bridge shall be at least twenty-four feet wide between the sides or railings thereof, and be well covered with planks at least three inches thick, and the sides shall be secured with substantial railings, not less than four feet six inches high; and there shall be a draw in the said bridge, to open at least twenty feet wide, and such further width as James Somerville of Eastchester, Isaac U. Coles of Pelham, and William Bowne of Westchester, in said county, or any two of them, shall certify to be reasonable and proper; (which certificate shall be filed in the office of the clerk of the county aforesaid,) so as to permit vessels with standing masts conveniently to pass and repass the said bridge, which passage may be freely passed, repassed and used, by all vessels whatever, without toll or reward.

Draw.

Vessels to be
allowed to
pass.

§ 2. It shall be the duty of the said George Rapelje, his heir and assigns, to keep and maintain the said bridge in good and sufficient repair, and to keep a person or per-

sons at or near the said bridge to open the draw thereof; and such person or persons, on sufficient notice being given by the master of any vessel having occasion to pass the said bridge, shall immediately open the said draw and permit such vessel to pass freely as aforesaid; and if any vessel shall be unnecessarily delayed from passing the said draw more than ten minutes, by the fault of any person so attending the said bridge, the said George Rapelje, his heirs or assigns, shall pay to the master of such vessel five dollars for every ten minutes such vessel shall be so delayed beyond the ten minutes before mentioned; and every master of a vessel at whose request the draw shall be opened, shall pass such vessel through the said draw with due diligence, and shall pay to the said George Rapelje five dollars for every ten minutes of unnecessary delay in passing such vessel through the said draw after the same shall be opened.

§ 3. As soon as the said bridge shall be finished, and Rates of toll. the judges of the court of common pleas of the county of Westchester, or the major part of them, shall, after inspection, have subscribed a certificate that the said bridge is well constructed and built, and is in all things conformable to the true intent and meaning of this act; and as soon as such certificate has been filed in the office of the clerk of the said county, it shall be lawful for the said George Rapelje, his heirs and assigns, to erect a gate, at or near the said bridge, and to exact and demand from all persons passing over the said bridge tolls not exceeding the rates following, to wit: for every four wheeled pleasure carriage, with two or more horses, nineteen cents; for every two wheeled pleasure carriage, with one or more horses, ten cents; for every four wheeled pleasure carriage, with only one horse, ten cents; for every pleasure sleigh and horses, ten cents; for every common wagon and horses, six cents; for every stage wagon or coach and horses, twelve and a half cents; for every common sled and horses, six cents; for every ox-cart and oxen, six cents; for every one horse cart and horse, five cents; for every one horse sleigh and horse, five cents: carriages or vehicles drawn by mules shall pay the same toll as if drawn by horses: for every man and horse or mule, five cents; for every horse, mule, ox, bull, cow or steer, one cent; for every hog, sheep, lamb or calf, one half cent. And it shall be lawful for the toll gatherer at the said gate to stop any person from passing through the said gate, until the toll shall be paid which is hereby allowed to be collected. But any troops in the service of this state, or of the United States, and all ar-

tillery, carriages and stores of every kind, belonging to this state, or to the United States, shall be permitted to pass toll free.

Penalty for
injuring
bridge.

§ 4. If any person shall wilfully do, or cause to be done, any injury to the said bridge, or to the said gate, or to any toll house to be erected near the same, he shall pay to the said George Rapelje, his heirs or assigns, double the amount of damages sustained thereby, to be recovered in an action of trespass.

For passing
without pay-
ing toll.

§ 5. If any person shall pass the said gate, or cause his horse, wagon or other beast, carriage or thing, to pass the said gate, without having paid the lawful toll therefor, he shall pay to the said George Rapelje, his heirs and assigns, ten dollars for every such offence, to be recovered in an action of debt.

Duration of
act.

§ 6. This act shall remain in force for thirty years from the day of the passing thereof, and no longer.

Right to re-
peal.

§ 7. The Legislature may at any time alter or repeal this act.

CHAP. 109.

AN ACT concerning the court for the correction of errors.

Passed April 15, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The court for the correction of errors may hold the terms thereof, which shall be held in the interim of the sessions of the legislature, either in the city-hall of the city of New-York, or the capitol in the city of Albany, or at the academy in the city of Utica, as the court shall from time to time order.

§ 2. This act shall take effect on its passage.

CHAP. 110.

AN ACT for the relief of John Hadcock.

Passed April 15, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The commissioners of the land-office are hereby authorised to issue letters patent to John Hadcock, of a

lot of land reserved to him by a treaty with the Orchard party of Oneida Indians, in the year one thousand eight hundred and twenty-seven, and therein particularly described and set forth as containing fifty acres, but on actual survey is found to contain forty-five acres; the said John Hadcock filing with the commissioners of the land-office, his assent to accept the said patent in full of all claims under said treaty.

CHAP. 111.

AN ACT to annex a part of the town of Stockholm to the town of Norfolk.

Passed April 15, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All that part of the town of Stockholm, in the county of St. Lawrence, which is designated on a map of said town, made by David H. Burr, and filed in the office of the surveyor-general, as mile squares number six, seven, eight, nine and ten, together with the northerly half of lots Nos. 19 and 20, are hereby annexed to the town of Norfolk, in said county.

§ 2. The supervisors of said towns shall, as soon as may be after the first day of March next, upon notice given by the said supervisors, or one of them, meet together and apportion the funds of the said town of Stockholm agreeable to the assessment roll of said town.

CHAP. 112.

AN ACT to incorporate the Butternuts and Oxford turnpike company,

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. William Angel, Julius Hathaway, Joseph T. Gilbert, Ransom Rathbone, and such other persons as may be associated with them, are hereby constituted a body corporate and politic by the name of the "Butternuts and Oxford turnpike company" for the sole purpose of constructing a turnpike road from the village of Oxford, in

Corporation
created

the county of Chenango, by the way of Mount Upton in said county, Gilbertsville in the county of Otsego, the house of Woodbury K. Cook, in the town of Otego, and terminating and intersecting the Charlotte turnpike road, near the house of Daniel P. Strait in said town of Otego, in the county of Otsego.

Stock

§ 2. The capital stock of said company shall be fifteen thousand dollars, and divided into shares of twenty-five dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by by-laws direct.

Subscriptions

§ 3. Austin Hyde, Zadock B. Chamberlain, John Bryant, Woodbury K. Cook and William Angel, are appointed commissioners to receive subscriptions to the capital stock of said corporation.

Road how to be made

§ 4. The said road may be constructed of such materials as the natural surface of the ground may afford, and of eighteen feet in width, only at such places as the commissioners to be appointed to lay out said road shall deem it impracticable to make it of the full width, but no part shall be less than fifteen feet wide.

Rates of toll

§ 5. As often as ten miles of said road shall be completed and approved according to law, the said company shall be authorized to erect one full toll or two half toll gates, and receive at each full toll gate the following rates of toll, that is to say: for every coachee, coach, wagon, cart or other carriage drawn by two horses or other beasts, twelve and an half cents; for every additional horse or other beast, three cents; for every chaise, chair, sulkey, wagon, cart or other carriage drawn by one horse or other beast, six and one-quarter cents; for every sleigh or sled drawn by two horses or other beasts, six and one-quarter cents; for every additional horse or other beast, two cents; for every sleigh or sled drawn by one horse or other beast, four cents; for every horse and rider or horse led, four cents; for every score of horses, cattle or mules, twenty-five cents; for every score of sheep or swine, twelve and an half cents, and in the same proportion for a greater or less number of horses, cattle, mules, sheep or swine, and at each of said half toll gates, half the above rates of toll.

General powers.

§ 6. The said corporation shall be entitled to all the immunities, and subject to all the liabilities and restrictions contained in the eighteenth chapter of the first part of the Revised Statutes, except so far as is repugnant to this act.

§ 7. The legislature may at any time alter, modify or ^{Right to re-} repeal this act or any of its provisions. ^{peal.}

CHAP. 113.

AN ACT to incorporate the James Port wharf and ways company.

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All persons who shall become stockholders, pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of "The James Port Wharf and Ways Company." ^{Corporation created.}

§ 2. The capital stock of the said company shall be five thousand dollars, to be divided into shares of twenty-five dollars each. ^{Stock.}

§ 3. James Tuthill, John T. Wells and David T. Warner, of the town of Riverhead, shall be commissioners to open books for subscriptions to the capital stock of said corporation; the said books shall be opened on or before the first day of June next, and each of the said commissioners may receive subscriptions. ^{Subscriptions}

§ 4. Whenever one hundred shares of the stock of the said corporation shall be subscribed, the commissioners shall cause eight days notice of the time and place of meeting of the subscribers, to choose directors, to be affixed in three of the most public places in the town of Riverhead. At the time and place appointed, the stockholders shall choose five directors being stockholders, a quorum of whom shall be competent to transact business. A new election of directors shall be made annually, at such time and place as the stockholders at their first meeting shall appoint; but said corporation shall not cease by reason of not holding an annual election, but the president and directors may, by their by-laws, provide for an election on any other day. The directors chosen at any election, shall, as soon thereafter as may be, choose one of their number president, and may appoint a secretary and treasurer, and such other officers and agents as shall be deemed expedient; each share of the capital shall entitle the holder to one vote. ^{Meeting of stockholders.}

§ 5. The directors may, or not, at their option, continue to receive subscriptions for the stock of the said company, until two hundred shares are subscribed. ^{Subscription}

said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road; and the said directors shall, after such examination and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of each of the counties aforesaid; which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road or ways, as hereinafter mentioned.

Future elections.

§ 5. The first directors chosen shall hold their offices until the first Monday of June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in the village of Ithaca aforesaid, as the said directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election.

May be held on any day.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time by the by-laws of said corporation, within sixty days after the day on which it should have been held.

Real estate.

§ 7. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted; and may by their agents, surveyors and engineers, enter upon and take possession of and use, all such lands and real estate as may be indispensable for the construction and maintenance of their single or double rail-road, and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real

estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation may apply by petition to the vice-chancellor of the sixth senate district, and setting forth therein the necessity of such lands for making said rail-road, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reasons why the purchase cannot be made. And the said vice-chancellor to whom such petition shall be presented, shall direct such notice to the owner or owners of such lands, as he shall deem proper and reasonable, of the time and place of hearing the parties; and upon proof of due service of such notice, and upon hearing the parties, he shall appoint three competent and disinterested freeholders of the county in which such lands are situated, to be commissioners to appraise said lands, and the damages the owner or owners shall sustain by reason of their appropriation to the uses of said company. The said commissioners shall cause due notice, in writing, to be served on said owner or owners, or in case of absence, to be left at his or their usual place of residence, of the time when they will act in the premises. They shall examine the lands, and may administer oaths and hear testimony, and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, awarding to the owner or owners thereof what they shall deem to be the full value thereof; as also the damages, if any, they may otherwise sustain from the making and maintaining of said road, and report the same, with the testimony taken, to said vice-chancellor. He shall examine the said report, and, if required by either, hear the parties in relation thereto, and increase or diminish the damages if he shall be satisfied that injustice has been done. The commissioners shall be allowed two dollars each day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages, and payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages, and the mode of mak-

ing it, and all other facts necessary to a compliance with this act; and when the said order or decree shall be recorded in the office of the clerk of the county of Tompkins, whose duty it shall be to record the same, receiving the usual fees for recording, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of minors, &c.

§ 8. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the vice-chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Read how to be made.

§ 9. The said corporation is hereby authorised to construct, erect, build, make and use, a single or double rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings necessary for the accommodation of their concerns.

Crossing of streams or highways.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road or highway, or to pass along on the side or margin of said road or highway, where said road or highway is laid out four or more rods wide, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water-course, or road or highway thus intersected or used, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and maintain sufficient fences upon the sides of the route of their single or double rail-road wherever it is bounded by enclosed lands.

Tolls.

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double rail-road aforesaid, hereby authorized to be constructed, erected, built, made and used.

§ 12. If any person shall wilfully do or cause to be done, ^{Penalty.} any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

§ 13. It shall be lawful for the directors to require pay- ^{Calls on stockholders.} ment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and they shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the county of Tompkins, and in the state paper.

§ 14. The said corporation shall possess the general ^{General powers.} powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not hereby repealed.

§ 15. The legislature may at any time alter, amend or ^{Right to repeal.} repeal this act.

CHAP. 115.

AN ACT to authorize the board of supervisors of the county of Otsego, to raise money to build a jail.

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Otsego, shall, by tax upon the inhabitants of said county, to be ^{The sum of \$2,500 to be raised.} levied and collected as the other contingent expenses of the said county are now levied and collected, raise the sum of two thousand five hundred dollars, or such sum less as shall be sufficient therefor, to build and construct, in the village of Cooperstown, in said county, a new stone jail, with work-shops, and such other conveniences necessary for the confinement, punishment and employment at

hard labor, of persons confined therein; and to alter and repair the present court-house and jail building, and to convert the same into a court-house and rooms suitable for the accommodation of grand and petit jurors, and for county officers; and that such moneys be raised by said supervisors by instalments of not exceeding one thousand dollars, over and above treasurer's and collector's fees thereon, annually, after the passage of this act.

Building
commission-
ers.

§ 2. The said jail shall be built under the superintendence of Elisha Foote, Don F. Herrick and Henry Harvey, as commissioners. The said board of supervisors may at any time remove all or any of said commissioners and appoint others in their stead.

Commission-
ers to ac-
count.

§ 3. The money so to be raised shall, as fast as collected, be paid by the treasurer of the county of Otsego to the commissioners for building the jail, and the improvements of said court-house, for the time being; who shall, from time to time, account to the board of supervisors of said county, for all money by them received for building said jail, and the improvements of said court-house.

May borrow
money

§ 4. It shall be lawful for the commissioners for building said jail, or a majority of them, by two or more different loans, to borrow on the credit of the county of Otsego, a sum not exceeding two thousand five hundred dollars in all, payable in annual instalments, with annual or semi-annual interest, and to pay the said instalments and interest, from the money so to be raised as aforesaid.

Jail when to
be used.

§ 5. When the jail hereby authorized to be built shall be completed, the same shall be the jail of the said county of Otsego, and the sheriff shall remove thereto all the prisoners who shall then be confined in the present jail of the county.

Pay of com-
missioners.

§ 6. The compensation of the said commissioners shall be fixed and allowed by the board of supervisors, and paid as other contingent charges of the county are paid.

Act to take
effect.

§ 7. This act shall take effect on the passage thereof.

CHAP. 116.

AN ACT to extend the corporate powers of the Skaneateles manufacturing company.

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Skaneateles manufacturing company shall continue a body politic and corporate, in fact and in name, with all the privileges, capacities and liabilities mentioned and contained in the act, entitled "An act relative to incorporations for manufacturing purposes," passed March 22, 1811. Corporate powers extended.

§ 2. This act shall continue and be in force for twenty years after the passage thereof. 20 years.

§ 3. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes as are not repealed. General powers.

§ 4. The legislature may at any time alter, amend, modify or repeal this act. Right to repeal.

CHAP. 117.

AN ACT confirming the acts of the commissioners of common schools in the division of the school district composed of parts of the towns of Colesville and Windsor, in the county of Broome.

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All and every the act and acts of the commissioners of common schools, or the person or persons acting as such, in the division of the school district composed of parts of the towns of Colesville and Windsor, in the county of Broome, made the twenty-first day of February, one thousand eight hundred and thirty-three, shall be and hereby are confirmed and declared to be valid and effectual.

§ 2. This act shall take effect immediately after its passage.

CHAP. 118.

AN ACT *authorizing the supervisors of the county of Dutchess to raise money to repair the court-house and jail of said county.*

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Treasurer to
borrow mo-
ney.

§ 1. The treasurer of the county of Dutchess is hereby authorized and required to borrow on the credit of the county, a sum of money not exceeding five thousand dollars; to be laid out and expended in altering, improving and repairing the court-house and jail of said county.

The sum of
\$5000 to be
raised.

§ 2. For the purpose of refunding the said money and interest, the board of supervisors of said county are authorized and directed to cause to be assessed, levied, collected and paid into the treasury of said county, in the same manner that the ordinary county charges are by law directed to be assessed, levied, collected and paid, the sum of five thousand dollars and the interest, over and above the ordinary fees for collecting, by such annual instalments, not exceeding four, beginning with the present year, as the said board shall deem expedient, to be determined at their first meeting after the passage of this act; and it shall be the duty of the county treasurer as often as any money shall come into his hands by virtue of this section, to apply the same to the payment of said moneys and interest.

Commission-
ers.

§ 3. Nehemiah Sweet, James Fort and Samuel B. Dutton, are hereby appointed commissioners to superintend and contract for the altering, repairing and improving the said court-house and jail, with full power and authority to draw upon the treasurer of said county from time to time as may be required for progressing in said alterations, repairs and improvements with all possible despatch; and the said treasurer is required to pay over to them or a majority of them, any moneys in his hands not otherwise expressly appropriated; and in case of the death, resignation or refusal to serve of either of the said commissioners, the board of supervisors of said county shall supply the vacancy.

To enter into
bond.

§ 4. The said commissioners, before they shall enter upon the duties enjoined upon them by this act, shall each of them enter into a bond with one or more sureties, to be approved of by the treasurer of said county, to be signified by his endorsement thereon, in the penal sum of five thousand dollars, to the supervisors of said county, for the

due and faithful performance of the trust reposed in them, which bonds shall, by the said treasurer, be immediately filed without charge in the clerk's office of said county; and the said commissioners shall respectively receive for their services, two dollars a day for each day they may be actually employed in the duties of their office; and their accounts shall be audited by the board of supervisors, and paid as other contingent charges of said county.

§ 5. The said commissioners, or their successors, or the survivor or survivors of them, shall at all times, when required by the board of supervisors of said county, account with them for the expenditure of all the moneys received by them, or either of them, by virtue of this act. To account.

§ 6. The commissioners appointed by this act shall, according to the directions of the county judges of said county, cause such proportions of Union, Market and Main streets in said village, to be paved or laid with wooden blocks, or otherwise amended or improved, as they shall deem most expedient, that the courts held in the said court-house may be relieved from the noise of carriages in said streets. Streets to be paved,

§ 7. In case the said judges shall direct the said streets to be covered with tan-bark or any other substance, during the sitting of courts in said court-house, it shall be the duty of the sheriff of said county, to cause the said streets to be so covered, and immediately upon the rising of the court, to cause the same to be removed, for which service the sheriff shall be entitled to the sum of two dollars for each court, besides what he shall actually pay out in the performance of such service, which amount shall be audited by the supervisors, and levied and collected in the same manner as other contingent charges are levied and collected in said county. or otherwise improved.

§ 8. In case the whole of the sum of five thousand dollars authorized to be raised by this act, shall not be required in the altering, repairing and improving said court-house and jail, and in improving the streets contiguous thereto as mentioned in the several sections of this act, the balance shall remain in the county treasury, to be appropriated to discharge the contingent expenses of the county. Surplus money.

§ 9. This act shall take effect and become a law from the time of the passage thereof. Act to take effect.

CHAP. 119.

AN ACT to authorize the appointment of inspectors of wood, lumber and bark, in the counties of Clinton, Greene and Essex.

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Inspectors to
be appoint-
ed.

§ 1. The person administering the government of this state, shall nominate, and by and with the advice of the senate shall from time to time appoint inspectors and ad-measurers of wood, lumber and bark, not exceeding four in number, in and for each of the counties of Clinton, Greene and Essex, who shall respectively hold their offices for the term of three years from the time of such appointment, unless such offices shall become vacated by death, removal or otherwise.

To take oath.

§ 2. Every such inspector shall, before he enters upon the duties of his office, take and subscribe the constitutional oath of office before some judge or commissioner authorized to administer oaths, to be read in courts of record in this state, which oath shall be duly certified by the officer administering the same, and shall be filed in the office of the clerk of the said county within twenty days from the time of taking the same.

Fees.

§ 3. Every such inspector shall receive as his fee for the inspection and measurement of all parcels of lumber, twelve and a half cents for every hundred feet so inspected; and for all parcels of wood under ten cords, four cents per cord; and for all parcels of ten cords or upwards, three cents per cord, the one-half to be paid by the buyer and the other by the seller, and for his travelling fees, six cents per mile, whenever he shall be called upon at the instance of either of the contracting parties to perform the duties of his office, the distance of one mile or more from his usual place of residence, to be paid in like manner.

To keep a
book of en-
tries.

§ 4. It shall be the duty of every such inspector, to keep a book in which he shall make entries from time to time, of the result of his inspection and measurement, and shall furnish to the parties interested therein or such of them as shall desire the same, a certificate thereof.

CHAP. 120.

AN ACT for the erection of a court-house and jail in the county of Columbia.

Passed April 16, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer, on the warrant of the comptroller, shall, out of any moneys in the treasury belonging to the capital of the common school fund, pay the sum of ten thousand five hundred dollars to the commissioners appointed by the board of supervisors of the county of Columbia, hereinafter mentioned, to be expended by the said commissioners in erecting and completing a new court-house and jail in said county, which sum of ten thousand five hundred dollars, shall be charged in the books of the comptroller as a debt due from the county of Columbia to this state, with interest thereon at the rate of six per cent per annum; and the said debt shall belong to the common school fund.

Loan of \$10,500 to the county.

§ 2. The board of supervisors of the county of Columbia are hereby directed at their annual meetings in each of the years one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight, to cause to be levied and collected from the taxable inhabitants of said county, over and above all expenses of collecting the same, a sum equal to the one-fifth part of the aforesaid sum of ten thousand five hundred dollars and the interest, at the rate aforesaid, which may be due on the first day of February then next ensuing, upon so much of the principal sum as shall then remain unpaid.

Money to be raised by tax.

§ 3. The treasurer of said county shall, within ten days after the aforesaid sums shall be collected and paid to him, pay the same into the treasury of this state, and upon such payment being made, the same shall be an extinguishment of so much of the said debt, so as aforesaid charged to said county.

Loan to be repaid.

§ 4. The treasurer of the state, on the warrant of the comptroller, shall, out of any moneys in the treasury belonging to the capital of the common school fund, pay to the said commissioners the further sum of seven thousand dollars, to be expended for the purposes mentioned in the first section of this act; which sum of seven thousand dollars shall be charged on the books of the comptroller as a

A further loan of \$7000 to be charged to Hudson.

debt due from the city of Hudson to this state, with interest thereon at the rate of six per cent; and the said debt shall belong to the common school fund; and the corporation of the city of Hudson shall pay to the commissioners mentioned in this act, the further sum of three thousand dollars, at such time within one year from the date hereof, as such commissioners shall direct, to be expended by such commissioners for the purposes aforesaid.

How to be repaid.

§ 5. The said sum of seven thousand dollars, with interest thereon at the rate aforesaid, from the time the same shall be paid to the said commissioners, shall be repaid by the city of Hudson into the state treasury, in the following manner, viz: the interest thereon annually on the first day of May in each year; five thousand dollars on the first day of May, one thousand eight hundred and thirty-six; the sum of one thousand dollars on the first day of May, one thousand eight hundred and thirty-seven, and the remaining sum on the first day of May, one thousand eight hundred and thirty-eight: which said sum of seven thousand dollars and the interest thereon, shall be and remain a lien and incumbrance upon the lots in the said city, on which the present court-house and jail now stand, and upon the lots enclosed and used therewith, which said lien and incumbrance shall be enforced by the attorney-general as if the same was a mortgage to the people of this state; and in case that any of the said sums and the interest or any part of it shall not be paid out of the avails of the sale of said lots, it shall be the duty of the board of supervisors of the county of Columbia, to cause to be levied and collected from the taxable inhabitants of said city, a sum which shall be sufficient, over and above all expenses of collecting the same, to pay the sum thus in arrear with interest thereon, until the first day of February then next; but it shall be lawful for the comptroller to release all or any of said lots from such lien and incumbrance whenever the common council of said city shall pay into the state treasury the sums for which such lots may be sold.

And when.

§ 6. The sums which may thus be levied and collected from the inhabitants of the city of Hudson, shall be paid by the treasurer of the county to the treasurer of the state, within ten days after the same shall be collected and paid to the county treasurer, which payments shall be an extinguishment of so much of the debt so as aforesaid charged upon the said city.

Commissioners.

§ 7. The persons appointed for that purpose by the board of supervisors on the eighteenth day of February, one thousand eight hundred and thirty-four, together with

Jehoiakim A. Van Valkenburgh and Henry C. Miller, shall be commissioners, and are hereby authorised to plan, devise, contract for and superintend the building of said court-house and jail until the same shall be completed; and the commissioners, before entering upon the duties of their office, shall execute a bond to the said supervisors and their successors, with security to be approved by the county treasurer, in the penalty of twenty thousand dollars, conditioned for the faithful application and expenditure of all moneys coming into their hands for the purpose of carrying into effect the provisions of this act.

§ 8. The said commissioners shall account to the board of supervisors for the expenditure of all moneys which shall come into their hands by virtue of this act, when called upon. To account.

§ 9. The said commissioners may appoint a person to superintend the building of said court-house and jail, and pay him a suitable compensation therefor. Superintendent.

§ 10. In case of any vacancy which may happen in the number of said commissioners, the board of supervisors shall supply such vacancy. Vacancies.

§ 11. This act shall take effect immediately on its final passage. Act to take effect.

CHAP. 121.

AN ACT for the relief of the trustees of the village of Poughkeepsie, and for other purposes.

Passed April 18, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The trustees of the village of Poughkeepsie are hereby authorized to issue certificates of stock, to the amount of fifteen thousand dollars, payable by the said village, which certificate shall bear an interest of six per centum per annum, payable half yearly on the first Wednesday of June and December in each year, at the Phenix bank in the city of New-York. The said fifteen thousand dollars shall be payable in such sums, and at such times as the said trustees shall agree; which certificates shall be under the seal of the said corporation, signed by the president and treasurer thereof, and may be assignable. Certificates of stock may be issued.

§ 2. That the faith of the said village, and the property thereof are hereby pledged for the final payment of the Pledge.

said fifteen thousand dollars, and for the punctual payment of the interest thereon, shall be agreed upon by the said trustees.

Tax.

§ 3. The trustees of the said village are hereby authorized to issue certificates of stock to the amount, which the inhabitants and freeholders of said village shall by vote direct to be raised, by tax, at any time or times hereafter, which certificates shall be for the whole amount, or in such sums as shall in the whole be equal to the amount of tax at any time voted to be raised, and shall be redeemable with interest at such times and places as the said trustees shall agree or direct, and the faith and property of said village are hereby pledged for the punctual payment thereof.

CHAP. 122.

AN ACT amending the act entitled "*An act regulating the measuring of grain in the city of New-York,*" passed April 14, 1832.

Passed April 18, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Whenever any recovery shall hereafter be had for any penalty or forfeiture incurred by violating the provisions of the fifth section of the act hereby amended, execution shall issue thereon immediately, and the court shall endorse on such execution the cause for which such judgment was rendered; and in case no goods or chattels can be found to satisfy such execution, the officer having the same shall commit such defendant to the jail of the county, and shall deliver to the keeper thereof a certified copy of such execution and endorsement, by virtue of which such keeper shall detain such defendant for a term not exceeding sixty days, without allowing him the benefit of the liberties of such jail.

CHAP. 123.

AN ACT to amend an act to incorporate the *La Fayette fire company in the village of Lansingburgh.*

Passed April 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The capital stock of the *La Fayette fire company* in the village of *Lansingburgh*, is hereby authorized to consist of ten shares, in addition to the number specified in the act hereby amended, to be distributed to ten additional members in the manner now provided for the admission of members in said company.

§ 2. This act shall take effect immediately after its passage.

CHAP. 124.

AN ACT for the relief of *Barnes Gleason and John Drum.*

Passed April 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer is required to transfer the payment of the sum of thirty dollars, made by *Barnes Gleason*, on the north half of farm lot number nineteen in the *St. Regis* reservation, on the seventh day of November, one thousand eight hundred and thirty-one, and to credit one half of the said sum to *Barnes Gleason's* remainder of the south half of the said lot, and the other half of the said sum to *John Drum's* part of the south half of the said lot.

CHAP. 125.

AN ACT extending the time of payment of certain moneys due from the county of *Broome.*

Passed April 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The comptroller is hereby authorized to receive payment of the county of *Broome* for the moneys due and payable, or which shall hereafter become due and pay- Payments how to be made.

ble, upon loans made to the said county, amounting in the whole to seven thousand five hundred dollars, by instalments of five hundred dollars: Provided such instalments, with interest annually on the principal sum remaining unpaid, shall be punctually paid in the month of February in each year.

Tax.

§ 2. The board of supervisors of said county are required to raise by tax, on the taxable property of said county, in any year preceding the time when said instalments and interest shall become due, a sum sufficient to pay the same; and the money so raised shall be applied to the payment of said instalments and interest.

CHAP. 126.

AN ACT *for the relief of the seamens bank for savings in the city of New-York.*

Passed April 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be lawful for the corporation called the "Seamens Bank for Savings," in the city of New-York, in addition to the powers heretofore granted, to loan money which they have received or shall receive, upon bonds secured by mortgages upon unincumbered real estate situate in the city of New-York or in the city of Brooklyn, worth at least double the amount to be loaned.

CHAP. 127.

AN ACT *concerning the state road from Canandaigua, in Ontario county, to Palmyra, in the county of Wayne.*

Passed April 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Road to be discontinued.

§ 1. The commissioners of highways of the town of Macedon, in the county of Wayne, are hereby authorized to take up and discontinue all that part of a public highway in said town laid and established in pursuance of an act entitled "An act to appoint commissioners to lay out or alter a road between Canandaigua, in the county of Ontario, and Palmyra, in the county of Wayne," passed April 13, 1826.

§ 2. The certificate of the said commissioners of highways of the town of Macedon of their proceedings in pursuance of this act, discontinuing the said highway in said town, when filed in the clerk's office of said town, shall have a legal effect to discharge any person through whose lands in said town the said road was laid and established, and all others, from any duty to open and work the said road through said lands. Certificate.

§ 3. This act shall take effect immediately after the passage thereof. Act to take effect.

CHAP. 128.

AN ACT to appoint commissioners to lay out a road from the town of Bleecker to the town of Stratford, in the county of Montgomery.

Passed April 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Rouse Simmons, Chauncey Orton and Nicholas Stoner, or any two of them, are hereby appointed commissioners to lay out a public highway, of the width of four rods, from the settlement at the Garoga lake, in the town of Bleecker, in the county of Montgomery, on the best and most practical route and shortest distance, to the town of Stratford, in said county, so as to pass through the northwest corner of the town of Johnstown, and terminate at the Stratford and Johnstown road, at any convenient point southeasterly of Minard Clock's present dwelling-house. Commissioners.

§ 2. The said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath before some justice of the peace, to lay out said road without favor or partiality; and after laying out the same, they shall cause an accurate description, from actual survey by courses and distance, of so much thereof as shall be in each and every town, to be drawn up, which they shall subscribe and file in the office of the town clerk of the town in which such part of the highway shall lie, whose duty it shall be to record the same, in like manner as he is by law required to record the orders of highway commissioners in laying out public highways. To take oath.

§ 3. The commissioners of highways in the several towns through which such road shall pass, on receiving notice of the laying out said road, shall proceed to ascer- Damages.

tain the damages sustained by any owner or occupant of enclosed, improved or cultivated land through which such highway shall pass, which shall be ascertained, levied and paid. And the said road shall be districted, opened and improved in the manner prescribed in title first of the sixteenth chapter of the first part of the Revised Statutes.

Pay of commissioners.

§ 4. Said commissioners shall be allowed two dollars per day each for every day actually employed in the performance of the duties aforesaid, besides the necessary charges of a surveyor and chain bearers, which said allowance and expenses shall be audited by the board of supervisors of said county, and apportioned by them upon the several towns through which said highway shall pass, in proportion to the length of the highway in each town.

Vacancies.

§ 5. If either of the said commissioners shall die, or neglect or refuse to perform the duties aforesaid, it shall and may be lawful for the first judge of the court of common pleas of said county to appoint from time to time, as often as may be necessary, some fit and proper person in his or their place, who shall have the same powers, take the same oath, and perform the same duties, and receive the like compensation, as the commissioners above named.

Act to take effect.

§ 6. This act shall take effect immediately after the passage thereof.

CHAP. 129.

AN ACT *appointing commissioners to lay out and open a road in the counties of Jefferson and St. Lawrence.*

Passed April 19, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Commissioners.

§ 1. Lorin Baley, Azariah Walton and Elbridge G. Merrick, are hereby appointed commissioners for the purposes and with the powers hereinafter mentioned. The said commissioners, or such of them as shall act, before entering upon their duties under this act, shall take an oath or affirmation, well and faithfully to discharge the duties of their trust, and shall enter into a bond to the people of this state, with one or more sureties, to be approved by the comptroller, in the sum of one thousand dollars, conditioned for the faithful discharge of their duties; and they shall account to the comptroller when thereunto required by him, for the faithful expenditure of all moneys which may come into their hands as such commissioners.

§ 2. The said commissioners shall cause to be laid out and surveyed, and cut out and opened, a road of not less than four rods wide, on or near the shore of the river St. Lawrence, and to commence at the termination of the Cape Vincent and Alexandria road, near the division line between the towns of Lyme and Clayton, near the house of Samuel Britton, and running to the road leading from Chippewa bay in St. Lawrence county, to the Ogdensburgh turnpike, and to run through or near the villages of French Creek and Alexandria Bay. ^{Route of road.}

§ 3. In order to raise the sum necessary for laying out and opening said road, the said commissioners or a majority of them are hereby authorized and required to assess a tax to an amount not exceeding one hundred dollars for each mile of said road, to be imposed on the lands lying along and adjacent to the line of said road to the extent of one and a half mile on each side thereof. ^{Tax.}

§ 4. Every person whose land shall be liable to be assessed as provided in the preceding section, shall have the right and privilege of cutting out and opening said road across their respective lots; and in case he does so within the time specified by said commissioners, such person shall not be taxed any thing for said road. ^{Work.}

§ 5. The commissioners shall make or cause to be made, maps of so much of the country as shall be embraced in said taxation, delineating as nearly and correctly as may be, the land through which the said road passes which shall be liable to be taxed in the manner aforesaid; and shall also make or cause to be made tax rolls, exhibiting briefly and with reference to such maps, the several lots, parcels or tracts so taxed, with the amount of such tax carried out in figures opposite to each parcel. ^{Maps.}

§ 6. After the said road shall be surveyed and laid out, the commissioners shall give notice to the person in possession of each lot, or to the agent or owner, (if any residing in said counties,) through which it passes, in writing, specifying the time by which such person must cut out and open said road across his lot, to be entitled to be exempt from taxation for said road; which time shall not be less than six months from the time of said notice. ^{Notice to open road.}

§ 7. After the expiration of the time allowed by them by the preceding section, the said commissioners shall strike from the tax roll made by them as aforesaid, all taxes against lots through which the road passes, and across which the said road shall be opened as aforesaid, and shall file a copy of said amended tax roll and map, in the office of the treasurer of each of the counties of St. Lawrence ^{Tax roll.}

and Jefferson, and in the office of the comptroller of this state.

Notice to be published.

§ 8. The comptroller shall cause to be published once a week for three months, in the paper printed by the printer to the state, and in one paper printed in each of the counties of Jefferson and St. Lawrence, such tax roll or list of taxation, which shall be sufficient notice to all concerned, that the payment of the sums annexed to each lot, parcel or tract, must be made within three months thereafter, either to the said commissioners or into the state treasury, subject to their order. or so much of the land upon which the said tax is charged as will amount thereto, will be sold at public auction.

Sale for taxes.

§ 9. The comptroller shall, at the expiration of the time limited in the eighth section of this act, direct the sale of so much of the lots, parcels or tracts, the tax upon which remains unpaid, as may be necessary to raise the sums so unpaid upon each respectively: and such sale shall be conducted in like manner, and have like effect in every particular, as sales of lands for the ordinary taxes of the state, on the returns from the county treasurers.

Pay of commissioners.

§ 10. The said commissioners, or such of them as shall act, shall faithfully apply the moneys received by them by virtue of this act, to the cutting out and opening said road, within twelve months from the passage of this act; and they shall be entitled to retain out of said moneys, one dollar and twenty-five cents per day respectively, for all the time they shall be necessarily employed by virtue of this act.

CHAP. 130.

AN ACT *authorizing a loan for the benefit of the people of this State.*

Passed April 19, 1884.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Special certificates of stock.

§ 1. The commissioners hereinafter named, are hereby authorized, if in their opinion the public interest shall require it, by an order in writing, signed by a majority of them, and filed in the office of the comptroller, from time to time, whenever they shall deem it expedient, to direct the comptroller to issue special certificates of stock in such manner, for such amounts, and under such restrictions as are hereinafter provided, for an amount not exceeding in

the whole six millions of dollars, for the redemption of which, and the punctual payment of the interest thereon as herein provided, to the owners of such stock, the faith and credit of the people of this state are hereby pledged.

§ 2. Upon the filing of every such order, the comptroller shall issue certificates of stock to the amount required thereby, in such sums and to such persons or bodies corporate, as the said commissioners, or a majority of them, may direct, for the purpose of being loaned as hereinafter directed. May be issued by comptroller.

§ 3. The said commissioners are hereby authorized to loan so much of the said stock when so issued as aforesaid, or of the moneys arising from the sale thereof, as in their opinion the public interest may require, to such of the incorporated banking institutions in the city of New-York as they shall deem proper, not exceeding in the whole four millions of dollars, and in such sums to each as they shall deem proper, not exceeding in amount, to any one institution, one-half the capital stock of such institution, at a rate of interest not less than five per cent., payable quarter yearly, upon its par value: and the said commissioners, before they shall make any such loan, shall examine particularly into the affairs of such bank. And the said commissioners may also, at their discretion, take such security for the punctual payment of said interest and the ultimate payment of said principal, as they shall deem proper and necessary to insure such payments at such time as may be agreed upon, not extending beyond the time when the principal of said stock shall be reimbursable; but no part of the loan made to any banking institution, shall be repaid to the state, before the expiration of the period at which the stock shall be redeemable, unless such repayment shall be made in the stock created under this act. Commissioners may loan to New-York banks four millions of dollars.

§ 4. The said commissioners shall prescribe the form in which the said certificates of stock shall be issued; and the said stock shall be transferable at the pleasure of the owner, in such manner as the said commissioners shall direct. Form of certificates.

§ 5. The said stock shall bear an interest of five per centum per annum, payable quarter yearly at the Manhattan bank in the city of New-York, and shall be reimbursable at such time or times within twelve years from the passage of this act, as the said commissioners shall designate. Rate of interest.

§ 6. The said stock shall be converted into money, in such manner and under such regulations, as the commissioners hereinafter mentioned shall direct; but the amount Premium where to be paid.

of any premium received on such stock upon converting the same as aforesaid, shall be paid into the treasury of this state, for the benefit of the general fund.

The sum of two millions of dollars may be loaned to citizens.

§ 7. The said commissioners hereinafter named, are hereby authorized to convert into money, by disposing of the same by auction or otherwise, in their discretion, a further amount of stock authorized by the first and second sections of this act, not exceeding two millions of dollars, and to pay the said money into the treasury of this state, the premium thereon to belong to the general fund, and the capital to be loaned to the citizens of the different counties of this state, except the counties in the first senatorial district, in the manner and subject to the provisions hereinafter mentioned, to wit:

Apportionment

1. The amount to be loaned in each county, shall be ascertained by an apportionment of the whole amount of two millions of dollars among such counties, according to the number of inhabitants in each, as ascertained by the census taken in the year one thousand eight hundred and thirty.

Application

2. No loan shall be made to the citizens of any county, until an application therefor shall have been made to said commissioners, by the board of supervisors of such county.

County commissioners.

3. The moneys to be loaned in each county, shall be loaned by the "Commissioners for Loaning Money," in such county, under the act of April 11, 1808; and where there shall be no such commissioners in any county, they may be appointed in the same manner, and shall hold their offices for the same term, and upon the same tenure, as if appointed under said act, and pursuant to the provisions of the Revised Statutes.

To take oath and give bond.

4. The commissioners of each county, before entering upon the duties of their office under this act, shall take the oath of office as prescribed by the constitution of this state, and file in the office of the comptroller a like bond as is provided for by the fourth section of the act last aforesaid, in addition to the bond required by that section in cases where that may now be required.

Loans when payable.

5. The principal moneys to be loaned under this act, shall be payable at such time or times within twelve years from the passage of this act, as the said commissioners mentioned in the eleventh section of this act shall designate; and the interest thereon, at the rate of six per centum per annum, shall be payable on the first Tuesday of May in each year: and the said commissioners for loaning money, may retain out of the said interest, one-half of one per cent. for their compensation.

6. The said commissioners for loaning money shall keep separate books and accounts relating to the loan authorized by this act, distinct from their other loan-office books and accounts; and in addition to the evidences of title required by said last mentioned act, it shall be the duty of the said commissioners to require of the borrower certificates from the proper officers, showing that there is no incumbrance upon the property proposed to be mortgaged, on record in their offices. Books of account.

7. Whenever any principal moneys loaned by said commissioners, shall be paid in to them, it shall not be reloaned, but shall be paid into the treasury of this state. Principal

§ 8. The moneys to be realized from the stock authorized to be issued under the preceding section of this act, shall belong to the general fund of this state, and the interest upon said stock shall be paid out of the said general fund. General fund

§ 9. Except as herein otherwise provided, all the provisions of the act aforesaid, entitled, "An act authorizing a loan of moneys to the people of this state," passed April 11th, 1808; and also of the act to amend the same, passed March 29th, 1809; and also of the act passed April 21, 1825, entitled "An act to provide for the conveyance of land sold by a commissioner of loans," under the act, entitled "An act authorizing a loan of moneys to the citizens of this state," passed April 11th, 1808; and also of the act, entitled "An act relative to the loans of 1786, 1792 and 1808," passed April 13, 1832, shall apply to the loans to be made under the seventh section of this act, in the same manner as if the moneys loaned constituted a part of the said loan of one thousand eight hundred and eight. Provisions contained in other acts.

§ 10. Whenever, upon the foreclosure and sale of any premises mortgaged to secure any loan made under the seventh section of this act, the said mortgaged premises shall not bring the amount due and to become due upon said mortgage, with the costs of foreclosure and sale, the deficiency shall be reported by the commissioners making such sale, to the board of supervisors of the county, who shall, at their next annual meeting, cause such deficiency and the interest thereon to be raised as part of the contingent charges of such county, and paid over to the county treasurer; whose duty it shall be to pay the same over to the said commissioners for loaning money. Security.

§ 11. The commissioners of the canal fund, and the bank commissioner appointed by the governor and senate, shall be commissioners to carry this act into effect; but it shall not be lawful for them to require any issue of stock. Commissioners to carry act into effect

as herein before provided, after the first day of February next.

Time limited
to make ap-
plication.

§ 12. If the supervisors of any county in this state shall refuse or neglect, for three months after the passage of this act, to take said loan on the terms herein mentioned, the said commissioners may, in their discretion, loan the money appropriated to said county to any incorporated bank or banks in said county; and if there is no incorporated bank in said county, then the said commissioners may loan the amount apportioned to said county to any incorporated bank or banks in this state. Said loans mentioned in this section to be made upon the like terms and security as the loans mentioned in the third section.

Special meet-
ing of super-
visors.

§ 13. The clerk of the board of supervisors of the several counties of this state is hereby authorized to call a special meeting of the board of supervisors in their respective counties, on the application in writing of any three of the supervisors, giving at least six days notice to each supervisor of the time and place of meeting; and the said supervisors, or a majority of them, when so met, shall have power to adjourn from time to time, for the purpose of carrying into effect this act.

Act to take
effect.

§ 14. This act shall take effect immediately upon the passage thereof.

CHAP. 131.

AN ACT to amend an act entitled "*An act to incorporate the Washington marine insurance company of the city of New-York,*" passed April 27th, 1833.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Time extend-
ed.

§ 1. The time for filing the deposition mentioned in the seventeenth section of the act hereby amended, be and is hereby extended until the twenty-seventh day of April, one thousand eight hundred and thirty-five.

Number of
directors.

§ 2. That the number of directors of said company be increased from fifteen to twenty-five; and that a majority of the directors named in the act hereby amended, have power to appoint the additional number of directors, who shall continue in office for the like term as the other directors named in said act hereby amended, and who shall be subject to the provisions therein contained.

§ 3. Asaph Stone, Alexander Hamilton and Roderick Curtis, are hereby appointed commissioners to receive ^{subscriptions to stock.} subscriptions to the capital stock of said corporation, in place of John Barstow, Aaron B. Nones and Joseph B. Nones, resigned.

§ 4. The said corporation shall have power to take as ^{Security for payment.} security for the payment of the capital stock, or any part thereof, in addition to the stock mentioned in the twelfth section of the act hereby amended, bank stocks created by the legislature of this state, or the stock of any incorporated city of this state, which shall be at or above par in the market at the time; and shall also have power to loan its funds, or moneys of said corporation, on such securities within this state.

§ 5. The legislature may at any time hereafter alter, ^{Right to repeal.} modify or repeal this act, and the act hereby amended.

CHAP. 132.

AN ACT to authorize Richard Pennell to erect a dock in the town of New-Utrecht.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for Richard Pennell, of the town of New-Utrecht, in the county of Kings, his heirs and assigns, to erect and maintain a dock adjacent to his lands in said town, lying on the Narrows and extending into the same, not exceeding four hundred feet from high water mark, and not exceeding one hundred feet in width, and to receive reasonable wharfage and dockage from persons using the same; but the legislature may at any time hereafter regulate the rates of wharfage and dockage to be received thereat, in such manner as shall be deemed just and reasonable.

CHAP. 133.

AN ACT *authorizing the board of supervisors of the county of Chautauque to raise money to complete the jail of said county.*

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Chautauque are hereby authorized and required at their annual meeting in the year one thousand eight hundred and thirty-four, to assess and raise the sum of one thousand five hundred dollars, together with treasurer's and collector's fees, as other county charges are assessed and collected, and when so collected, shall be subject to the order of the commissioners appointed under and by virtue of the second section of the act entitled "An act to authorize the erection of a new jail in the county of Chautauque," passed March 22, 1832, and shall be expended by them in the completion of the jail now erecting in said county.

CHAP. 134.

AN ACT *to amend the charter of the Albany female seminary.*

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The number of trustees of the Albany female seminary shall hereafter be thirteen, five of whom shall constitute a quorum for the transaction of business. Every stockholder of the said seminary shall be entitled to one vote on each share of stock he may hold.

CHAP. 135.

AN ACT *relative to the eastern branch of the Schoharie turnpike road.*

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The president, directors and company of the eastern branch of the Schoharie turnpike road, may abandon ten miles of the westerly end of their turnpike, whenever they shall make and execute in due form, under their corporate seal, a good and sufficient release of all their rights and interest in and to the same, to the towns in which such road is situate, and shall file the same, or a certified copy thereof, in the office of the town clerk of each of the towns in which any part of the road so abandoned may lie. Part of road may be abandoned.

§ 2. Upon making and filing such release as aforesaid, the said corporation shall forever thereafter be exonerated and discharged from all further charge or liability on account of their road so abandoned, and the same is hereby declared to be a common public highway. Corporation exonerated.

§ 3. The said corporation may repair and improve the remaining ten miles of their road, and when five miles of the easterly part thereof shall be completed, they may erect a toll-gate thereon, and demand and receive thereat one-half the tolls allowed for ten miles by their act of incorporation; and when the remaining five miles shall be completed, another half toll gate may be erected thereon, and half toll collected as aforesaid. Such toll gates may from time to time be removed to any part of the five miles on which they may be first respectively erected. Toll gate on remaining ten miles.

§ 4. The said corporation shall not be required to repair and improve the arch or bed of their road of a greater width than eighteen feet; and where the steepness of side-hills, rocks, or other obstructions, shall render it impracticable to make it of that width, it may be made of such less width as the directors may deem expedient, but in no case less than fifteen feet wide. Width of arch.

§ 5. If five miles of the said ten miles of said road shall not be repaired, according to the preceding section, within eighteen months from the passage of this act, and the remaining five miles within eighteen months thereafter, all the provisions of this act shall be void and no longer in force. Time limited.

§ 6. The legislature may at any time alter, amend or repeal this act. Rights reserved.

CHAP. 136.

AN ACT for the relief of the *Mount Hope and Lumberland turnpike road company*.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Debts how
to be paid.

§ 1. The president and directors of the Mount Hope and Lumberland turnpike road company may assess, levy and collect on the present stock of said company, a sum of money sufficient to pay the debts of said company and repair said turnpike road, not exceeding ten dollars on each share of stock; but no such levy shall be made on any share of stock unless the consent of the owner thereof shall first be obtained in writing.

Notice to be
published.

§ 2. After such consent shall be obtained, and the said president and directors shall have ascertained the amount necessary for the purposes mentioned in the preceding section, they shall give notice in the state paper, also in the Independent Republican, printed in Goshen, Orange county, and in the Republican Watchman, printed in Monticello, Sullivan county, once in each week for six successive weeks, stating the amount of tax on each share of stock so levied and assessed, the time when and at what place the same is to be paid, not less than six months from the time of giving such notice.

Certain
shares may
be sold at
vendue.

§ 3. In case any of the stockholders or persons entitled to stock, shall neglect to pay said tax, assessed and levied as aforesaid, on their respective shares, at or before the time specified in said notice, then the president and directors may sell, at public vendue, to the highest bidder, those shares of stock on which said tax remains due, and on receiving the purchase money and the tax, the president shall give to the purchaser or purchasers a certificate, countersigned by the treasurer, stating the amount of the purchase money and tax, subject to redemption by the original owners, or their legal representatives, at any time within five years. And the directors of said company may purchase, for their own benefit individually, any of the stock set up at vendue as aforesaid, in case no other person shall bid for the same.

Rights of the
owners of
shares.

§ 4. The owners of stock sold as aforesaid, shall be entitled to the money for which their respective shares were sold, payable to them or their legal representatives, on demand, by the treasurer at his office, at any time after ten days from the time of sale. And the said owners of any

stock so sold, may at any time within five years from the time of sale redeem the same, by paying to the treasurer the amount of tax for which their stock was sold, together with legal interest, for the use and benefit of the purchasers. But if the original owners of said stock shall neglect to redeem the same within five years from the time of sale, then the said president and directors shall make out new scrips or certificates of stock to the purchasers for such as remains unredeemed, which shall be valid, and the original certificates and claims of the original owners become void and forfeited.

§ 5. The president and directors may increase the toll ^{at} at each of the gates on said road, so that the amount received shall be sufficient to keep the said road in repair, not exceeding double the present rates; and whenever the said tolls shall amount to more than sufficient to keep the road in repair, the directors shall diminish the toll from time to time, until it returns to the amount authorized in the act of incorporation.

§ 6. The said president and directors may demand from ^{Toll at bridge.} all persons crossing the bridge over the Neversink river, the following rates of toll: Every sleigh, sled or cart, or four-wheeled carriage drawn by two oxen, horses or mules, ten cents, and four cents for every additional ox, horse or mule; for every sleigh, sled or other carriage drawn by one horse or mule, six cents; for every man and horse, six cents; for every foot passenger, two cents; for every horse, jack or mule, three cents; for every score of sheep or hogs, ten cents, and in that proportion for a greater or less number; for every cow or head of neat cattle, two cents, any law to the contrary notwithstanding.

§ 7. It shall not be lawful for any person or persons to ^{Restriction.} build or erect a bridge or establish a ferry within one mile of said bridge, or ford the Neversink river with intent to avoid paying toll.

§ 8. The legislature may at any time alter or repeal ^{Right to repeal.} this act.

§ 9. This act shall take effect immediately after the ^{To take effect.} passage thereof.

CHAP. 137.

AN ACT to incorporate the village of Laurens, in the county of Otsego.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Boundaries.

§ 1. All that district of country in the town of Laurens, Otsego county, contained in the following limits, to wit: beginning at the southwest corner of the Union meeting-house lot, running thence north thirty rods; thence east and north, parallel with, and at the distance of thirty rods from the public highway, running east and north to a point four rods north of the east school-house in the village of Laurens; thence east to the east bank of the Otego creek; thence down the east bank of the Otego creek, to a corner made by drawing a line south thirty-six rods from the place of beginning; thence east to the east bank of the Otego creek aforesaid, shall hereafter be known by the name of "The Village of Laurens." And the freeholders and inhabitants residing within the limits aforesaid, are hereby constituted a body politic and corporate, by the name of "The trustees of the village of Laurens," and shall and may have succession as such.

Name.

Meeting to elect officers.

§ 2. The freeholders and inhabitants qualified to vote at town-meetings, residing within the limits aforesaid, shall meet on the second Monday of May next, at the house of James S. Johnson, in said village, and then and there proceed to choose five freeholders of said village to be trustees thereof, two or more assessors, one overseer of highways and streets, one treasurer, one clerk, one constable, who shall also be collector of said village, who shall respectively hold their offices till others be appointed in their stead; and that any justice of the peace residing in said village shall preside at such meeting, and declare the several persons having a majority of votes for the several offices above mentioned, duly chosen as such officers.

Officers to give notice of acceptance.

§ 3. The persons elected and chosen to the offices in the preceding section mentioned, shall within ten days after their election, deliver to the person who shall have presided at such election, written notice of their acceptance of the office to which they shall have respectively been chosen, to be by such person filed with the clerk of said village. All officers who shall thereafter be chosen or appointed for said village, shall within ten days after their election or appointment, deliver a like notice to the clerk of said village, who shall file the same.

§ 4. Every annual meeting of the freeholders and inhabitants of said village, shall be held at such time and place as shall have been designated therefor, at the next preceding annual meeting. The trustees may call special meetings by giving six days public notice thereof. Annual meeting.

§ 5. No person shall be entitled to vote for the election of any officer of said village, unless he reside therein, and possess the requisite qualifications to entitle him to vote at town-meetings. The freeholders of said village qualified to vote, shall have power at any annual or special meeting, to direct the raising by tax, of such sum or sums not exceeding one hundred dollars in any one year, as they shall deem necessary to carry into effect the provisions of this act; and three-fourths of said freeholders may direct the raising a greater sum than one hundred dollars, and not exceeding three hundred dollars, for the same purposes. Voters.

§ 6. It shall be the duty of the trustees of the said village within ten days after each annual meeting, to choose one of their number to be the president of the said corporation; such president shall preside at all meetings of the trustees, and at the annual and special meetings of the inhabitants of said village. President

§ 7. Every constable and collector, and treasurer, elected for said village, shall give such security for the faithful performance of their respective duties as such officers, as the trustees of said village shall direct; and the bonds by them given, shall be endorsed "accepted," by the president, and filed in the clerk's office of said corporation. Officers to give security.

§ 8. The clerk of the said village shall have the custody of the records, books and papers of said corporation, and shall file and preserve all papers delivered to him for that purpose. He shall attend all the meetings of the inhabitants of said village, and of the said trustees, and record the proceedings of such meetings in a book or books to be provided for that purpose; that the records, papers and books filed in, or appertaining to the office of said clerk, shall on all proper occasions, be open to the inspection of the freeholders and inhabitants of said village: and the said clerk shall keep a poll list of the names of persons voting at any election of officers for said village. In case of the absence of such clerk from any such meeting, such person as shall be chosen or appointed therefor, shall on such occasion, perform the duties appertaining to the office of clerk. Clerk.

Treasurer.

§ 9. It shall be the duty of the treasurer of said village to receive all moneys belonging to said corporation, and pay over the same in the manner directed by said trustees: to account for such moneys to the inhabitants of said village at their annual meetings, and to said trustees when by them thereunto required.

Power of trustees.

§ 10. The said trustees shall have power

1. To inspect and cause to be inspected, fire-places, chimneys, stoves and stove pipes in said village, and cause the same to be put and kept in safe condition, and enter, and cause others to enter houses and other buildings for that purpose at all proper times.

2. To compel the inhabitants of said village to provide and keep fire-buckets.

3. To compel the inhabitants of said village to deposit their ashes in safe places.

4. To purchase hay-scales, and regulate the manner and prices of weighing hay and other gross commodities; and to appoint a weigh-master, who shall hold his office during the pleasure of said trustees.

5. To make and construct sidewalks and crosswalks in said village; to prevent and remove obstructions in the streets and sidewalks, and to prevent injuries thereto; and also to prevent improper and immoderate riding and driving, and regulate bathing in the streams within the limits of said corporation.

6. To restrain the running at large in said village of cattle, horses, sheep, swine and geese; and to erect a pound in said village; appoint a pound-master, and prescribe his fees and duties, which pound-master shall hold his office during the pleasure of said trustees.

7. To provide for the safe keeping and repairing of the property of the said corporation.

8. To appoint the time and places of holding their special and stated meetings, and to prescribe the manner of calling special meetings of the inhabitants.

9. To provide a seal for said corporation, and to fill vacancies that shall happen in any office from any cause whatever, by appointments under the hands of the president, and seal of the corporation.

10. To direct the times within which the assessors of said village shall complete their assessments, and to correct such assessments on appeal.

11. To issue warrants under their hands for the collection of taxes; to renew the same on any tax not having been collected, and to direct the time within which the collector shall collect and pay over the same.

12. To direct the manner in which the treasurer shall pay over and disburse the moneys of said corporation, and to prescribe the security which shall be given by the treasurer and constable and collector, for the faithful performance of their duties as such officers.

13. To make, ordain, alter, amend and repeal, all such prudential rules, by-laws and regulations as may be necessary to carry into effect the intents and provisions of this act, which shall take effect on the expiration of eight days after their first publication.

14. To prescribe suitable fines and penalties for offences against such by-laws, and the provisions of this act, not exceeding ten dollars for any one offence, and to remit such fines and penalties wholly or in part.

§ 11. The district or country within said corporation ^{Road district} limits shall be a road district, and the inhabitants thereof shall not hereafter be liable to be assessed by the commissioners of highways in said town, but shall and may be assessed yearly to work highways by the trustees aforesaid; and the overseers of highways and streets for said village, shall have the same power to enforce and collect such assessments, that overseers of highways in said town possess.

§ 12. Whenever the freeholders of said village shall ^{Taxes} have directed the raising of any sum of money by tax, the assessors shall within such time as the said trustees shall have directed, make out a tax list thereof, in which they shall set down the names of all the taxable inhabitants of said village, and the names so far as they can be ascertained, of non-residents who shall own real estate therein; the quantity of the real estate, and the value of the real and personal property liable to taxation, of the inhabitants of said village, and the description, quantity and value of the taxable real estate situate therein, belonging to such non-residents; and they shall apportion the sum to be raised by such tax on such inhabitants and non-residents, in proportion to the valuation of such property.

§ 13. When the assessors shall have completed their ^{Assessment roll} assessment, they shall deliver two certified copies thereof to the clerk of said village, one of which he shall file, and to the other the trustees, or a majority of them, shall affix a warrant under their hands, directed to the collector of said village, requiring him to collect the tax therein named, within such time as they shall direct; and when collected, to pay the same to the treasurer, after deducting his fees. The collector shall have the same powers, and be subject to the same liabilities as collectors of towns;

and the fees which he shall receive for collecting, shall be prescribed by the trustees of said village.

Taxes how
to be assessed

§ 14. No farm lands used and occupied as such within the bounds of the said corporation, shall be subject to any tax except highway taxes, for any purposes of the said corporation, unless the same be laid out into village lots, or the owner thereof shall give the trustees written notice of his consent that the same may be taxed, at least three days before the next annual or special meeting of the inhabitants of said village.

Penalties
how recovered.

§ 15. All penalties incurred under this act, may be sued for before any justice of the peace by the trustees, in the name of the corporation, in an action of debt, in which the pleadings may be general, and any proper special matter may be given in evidence under them; and no inhabitant of said village shall for that cause be disqualified to act as justice, juror, witness or constable, on the trial of any such cause. All penalties when collected shall be paid into the treasury of said village, for the use thereof.

Right to re-
peal.

§ 16. The legislature may at any time alter, modify or repeal this act or any of its provisions.

To take ef-
fect.

§ 17. This act shall take effect immediately on the passage thereof.

CHAP. 138.

AN ACT to authorize the supervisor of the town of Antwerp, in the county of Jefferson, to deed to Miles Cook a certain piece of land.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisor of the town of Antwerp, in the county of Jefferson, is hereby authorized to deed to Miles Cook, a part or all of a certain piece of land, heretofore deeded to said town by Edward Foster, for a public burial ground.

CHAP. 139.

AN ACT directing the survey of a canal route from the High Falls, on the Black river, to the Erie canal.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The canal commissioners shall cause a route of a ^{Route-} canal from the navigable waters on Black river, below the High falls, in the town of Turin, in the county of Lewis, to the Erie canal, to be surveyed, in the shortest practicable direction with regard to the cost of construction and public utility; and a navigable feeder from Black river to the summit level of said canal, and estimates of the cost of constructing said canal and feeder to be made; and also for improving the navigation of Black river from the High falls to the village of Carthage, if they shall be of opinion that the surveys and estimates heretofore made by Messrs. Cruger and Hutchinson have not been sufficiently minute and accurate to arrive at a correct estimate of the cost of constructing said canal and feeder, and improving the navigation of said river.

§ 2. The canal commissioners, if they shall not deem it necessary to survey an entire new route of said canal, may cause either the route surveyed by Mr. Cruger or Mr. Hutchinson to be resurveyed, or so much thereof as they shall deem expedient, to arrive at a correct estimate of the cost of constructing the said canal. ^{How to be surveyed.}

§ 3. If the commissioners are not satisfied that the inclined plane has a superior advantage over locks in overcoming great elevations, they shall make or cause to be made, any further examination in relation thereto that they may deem necessary. ^{Inclined plane.}

§ 4. The commissioners shall make or cause to be made a general examination of the resources of all the section of country interested in the construction of said canal, in relation to the probable revenue to be derived from its construction, and shall report their estimates of the cost of construction, their opinion as to the propriety of adopting the inclined planes on the proposed canal; also their opinion as to the probable revenue to be derived from said canal, taking into consideration the increased tolls on the Erie canal, and adopting in such estimate the Black river from the High falls to Carthage as a part of said canal, and subject to the same tolls as any other portion thereof, and such other information as they shall deem important to ^{General examination.}

communicate, to the next legislature within ten days after the commencement of its session.

Expenses.

§ 5. The expenses of the surveys, estimates and examinations hereby directed, shall be paid by the treasurer, on the warrant of the comptroller, out of any money in the treasury not otherwise appropriated, on the certificate of the canal commissioners under whose direction they shall be performed.

CHAP. 140.

AN ACT *relating to the distribution and application of the revenues of the literature fund.*

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Sum to be distributed.

§ 1. There shall be twelve thousand dollars of the revenues of the literature fund annually distributed by the regents of the university, to the academies and schools which now are or hereafter may be subject to the visitation of the regents, in the manner now provided by law; which moneys shall be exclusively appropriated and expended by the trustees of such academies and schools respectively, towards paying the salaries of tutors.

Excess how disposed of.

§ 2. Any portion of the excess of the literature fund over the sum of twelve thousand dollars, may, in the discretion of the regents, be assigned to any academy or school subject to their visitation, and subject to such rules and regulations as they may prescribe, for the purchase of text books, maps and globes, or philosophical or chemical apparatus; such sum shall not exceed two hundred and fifty dollars in any one year. But no part of the said excess shall be actually paid over, unless the trustees of the academy or school to which it is to be appropriated shall raise and apply an equal sum of money to the same object.

Repeal.

§ 3. The fifty-fourth section of chapter fifteen of title one of the first part of the Revised Statutes, is hereby repealed.

CHAP. 141.

AN ACT relating to the collection of taxes in the towns of Putnam and Dresden, in the county of Washington.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be the duty of the treasurer of the county of Washington, in the settlement of the accounts of the several collectors of the towns of Putnam and Dresden, to allow and pay them mileage, to be calculated for every mile necessarily travelled from and to their respective dwellings to the office of the treasurer, after the following rates.

§ 2. To the collector of the town of Putnam, twelve Putnam- and a half cents per mile.

§ 3. To the collector of the town of Dresden, eighteen Dresden- and three-fourths cents per mile. But the sum to be paid to either of the said collectors, shall in no case exceed the sum of four per cent upon the amount of the tax on the lands of non-residents returned by such collectors to the county treasurer.

CHAP. 142.

AN ACT to incorporate the New-Paltz and Liberty turnpike company.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate by the name of "The New-Paltz and Liberty turnpike company."

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities of turnpike incorporations, as prescribed in the first title of the eighteenth chapter of part first of the Revised Statutes, except so far as the same shall be altered by this act.

§ 3. The capital stock of the said corporation shall consist of eight hundred shares, of fifty dollars each: and the sum of ten thousand dollars is hereby prescribed as the

amount of real and personal estate which the said corporation may hold and enjoy, as necessary to fulfil the ends of their incorporation.

Subscriptions
to stock.

§ 4. Blake Wales, Joseph Young, Herman M. Van Benschoten, Henry Southwick, Selah Otis, Josiah R. Elting and Walter Cunningham, shall be commissioners to open books and receive subscriptions.

Route of
road.

§ 5. The said corporation may construct a turnpike road, beginning at the bridge across the Walkill and* New-Paltz, in Ulster county; thence crossing the Shawangunk mountains through the Traps to Ellenville, in the county of Ulster; thence to the residence of Gabriel W. Ludlam, on the Neversink river; and thence to the house of William Gray, in the town of Liberty, in the county of Sullivan.

Road how to
be construct-
ed.

§ 6. Said road may be constructed of such materials as the natural surface of the ground may afford; and the said corporation shall not be required to have the said road laid out of a greater width than fifty feet, nor to make the bed or arch thereof more than twenty feet in width; and where the steepness of the side hills, rocks, or other obstacles render it impracticable or unnecessary, in the opinion of the commissioners, to complete it of that width, it shall be lawful for said company to make and complete it of such less width, and without a ditch on the lower side, as the commissioners shall direct; but in no place, however, shall the bed of said road be made of less width than fifteen feet.

Rates of toll.

§ 7. When the said road, or any five or ten miles thereof, shall have been completed, the said corporation may erect thereon such number of toll gates, (in the ratio of one full toll gate to every ten miles thereof,) at such places as the directors of said company or a majority of them may from time to time designate: provided that no more than one half toll gate shall be erected between the village of Ellenville and the intersection of the road leading from the Neversink falls to or near the Friends' meeting house, in the town of Wawarsing; and provided also, that no two of said gates shall be located within less than four miles of each other; at each of which full toll gates, and the others in proportion, may be exacted and received for passing the same, (except as is excepted in article third, title first, of the chapter aforesaid,) the following rates of toll, to wit: For every wagon, cart, or other wheel carriage drawn by two horses, mules or oxen, twelve and a half cents; and for every additional horse, mule or ox, three cents; for every cart, sulkey, wagon

* So in the original.

or other wheel carriage, drawn by one horse or other animal, six cents; for every sleigh or sled drawn by two horses or other animals, six cents; and for every additional horse, two cents; for every sleigh or sled drawn by one horse or other animal, three cents; for every score of horses, mules or cattle, twenty cents; and for every score of sheep or swine, six cents; and in like proportion for a greater or less number; and for every horse and rider or led horse, four cents.

§ 8. The legislature may at any time modify, alter, or ^{Right to re-} repeal this act. ^{peal.}

CHAP. 143.

AN ACT to annex part of the towns of Harpersfield and Kortright to the town of Stamford.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That from and after the passage of this act, lots number thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, in Bradt's patent, situate in the towns of Harpersfield and Kortright, in the county of Delaware, be annexed to the town of Stamford.

CHAP. 144.

AN ACT to repeal the charter of the Newtown turnpike road company.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled, "An act to incorporate the pre- ^{Act repealed.} sident, directors and company of the Newtown turnpike road," passed March 25th, 1814, and the several acts relating thereto, are hereby repealed.

§ 2. This act shall not take effect, unless such corpora- ^{Certificate to be filed.} tion shall, within sixty days after its passage, file in the office of the clerk of the county of Tioga, an instrument in writing, executed under their corporate seal, consenting that the said road may be laid out as a common highway by the commissioners of highways of the respective towns

through which the said turnpike road passes, and releasing the claim of such corporation, for all and any damages for any such act of such commissioner.

Act to take effect.

§ 3. This act shall take effect from the time of its passage.

CHAP. 145.

AN ACT relating to the state prison at Mount-Pleasant.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Land to be purchased.

§ 1. The agent of the state prison at Mount-Pleasant, with the consent of the inspectors of the same, is hereby authorized to contract for and purchase, not exceeding ten acres of land adjoining the south side of the state prison farm, and lying between a part of the same and the Hudson river, or to exchange other land of said farm therefor; subject however to the final opinion and decision of the attorney-general and comptroller of this state.

F. Lynds to be paid.

§ 2. The treasurer of this state shall pay on the warrant of the comptroller, to Elam Lynds, late agent of the state prison at Mount-Pleasant, the sum of two hundred and eighty-eight dollars and forty-nine cents, that sum appearing to be due him from the state, on an examination of his accounts, as such agent.

Mess-rooms.

§ 3. The inspectors of the aforesaid prison are hereby authorized, if they shall deem it advisable, to erect one or more mess-rooms, for the accommodation of the prison on a plan similar to the mess-rooms now in use at the Auburn state prison.

CHAP. 146.

AN ACT concerning the state prison at Auburn.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Land to be purchased.

§ 1. The agent of the state prison at Auburn, is hereby authorized to purchase, in the name and for the use of the people of this state, of John B. Dill, a quantity of land adjoining the present state prison lot, and not exceeding

thirteen acres, and to pay for the same in the manner and according to the terms of the contract made by the said agent with the said John B. Dill. But such purchase shall not be made, unless an absolute and unincumbered title shall be obtained for said land.

§ 2. The said agent, under the direction of the inspectors, is authorized to extend upon the said land, when so purchased, the walls of the prison, and to erect shops and ware-houses thereon, for the convenience of the said prison; but the said inspectors shall not authorize the expenditure of any funds in and about such purchase of land and improvements, beyond the surplus moneys arising from the earnings of the convicts. Walls to be erected.

§ 3. The members of the fire-engine company attached to the prison at Auburn, who shall have served nine years ^{or} previous to the time when this act shall take effect, shall be forever exempt from militia duty, except in time of war or insurrection, and be entitled to a discharge from said company after one year's service after this act shall take effect. All other members of said company shall, in like manner, be exempt and entitled to a discharge, after having served ten years from the period of their enlistment; and all members who shall hereafter join the said company, shall in like manner be exempt and entitled to a discharge, after a service of nine years. Fire company.

CHAP. 147.

AN ACT *respecting inspectors and sealers of weights and measures in the city of New-York.*

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be lawful for the common council of the city of New-York to appoint two inspectors of weights and measures instead of one, as now provided by law for the said city, and at pleasure to remove them or either of them, and to appoint others in their place.

§ 2. The said common council may assign a particular district of the said city for each of the said inspectors, and likewise for each of the sealers of weights and measures in the said city, and may confine them in the performance of their duties to such districts respectively.

CHAP. 148.

AN ACT *concerning the New-York society for promoting the manumission of slaves, and protecting such of them as have been or may be liberated.*

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for the New-York society for the manumission of slaves, and protecting such of them as have been or may be liberated, to sell, grant and convey all or any part of their estate, real or personal, to the public school society of New-York.

§ 2. It shall also be lawful for the society first above named, to pay, grant and convey, all or any part of their estate to the managers of the society for the reformation of juvenile delinquents in the city of New-York, upon such terms and conditions as the aforesaid societies may agree, to be applied to any of the purposes for which the last mentioned society was incorporated.

CHAP. 149.

AN ACT *to incorporate the Washington county mutual insurance company.*

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Jonathan Todd, William Woods, Isaac W. Thompson, William Whitney, Levi T. Rowley, Samuel Standish, junior, Charles Chandler, Nathan Doane, and their associates, and all such persons as shall hereafter have property insured by the said company, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Washington County Insurance Company."

Insurance.

§ 2. The said corporation hereby created, shall have power and authority to make contracts of insurance with any person or persons, or any body politic or corporate, situate and resident in the county of Washington, against losses by fire of any houses, stores or other buildings whatsoever, and of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and such modifications and restrictions as may be agreed on between the said

corporation and the person or persons agreeing with them for such insurance.

§ 3. All such persons as shall at any time hereafter insure in or with the said corporation, or be allowed so to do, shall be deemed and taken as members of the said corporation during the period they shall remain insured by the said corporation, and no longer; and the property and concerns of the said corporation shall be managed and conducted by thirteen directors, to be chosen by ballot, from and among the members. David Woods, Leonard Blanchard, Charles Chandler, Lee T. Rowley, William R. Huggins, Samuel Standish, junior, Cornelius L. Allen, Gerrit Wendell, John Gall, William Stevenson, junior, William A. Moore, Jehiel Dayton and Reuben Skinner, shall be the directors of the said corporation, and shall continue in office for the period of one year, and until others may be chosen, and no longer; which directors shall be elected on the first Monday in October in each year, at such hour of the day, and at such place in the county of Washington, as the board of directors for the time being shall appoint; of which election public notice shall be given in one of the public newspapers printed in the county of Washington, at least thirty days immediately preceding such election; and such election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election, by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the members then present, or their proxies, allowing to each member one vote.

Members of
the corpora-
tion.

First direc-
tors

§ 4. The directors herein before named shall, as soon as may be after the passing of this act, and the directors to be chosen at such annual elections, shall, as soon as may be thereafter, proceed to choose out of their body one person to be president; and in case of the death, resignation or inability to serve, of the president or any director of the said corporation, such vacancy may be filled, for the remainder of the year, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

President.

§ 5. If it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of directors in such manner as shall have been

Election

regulated by the by-laws and ordinances of the said corporation.

Policies of insurance.

§ 6. The policies of insurance and other contracts founded thereon, hereafter to be made or entered into by the said corporation, though not under seal, if subscribed by the president, or in case of his absence, resignation or inability to act, by such officer or officers, or person or persons as may be for that purpose authorized by the act of incorporation or the by-laws of the said corporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of the said corporation had been or was affixed thereto: and further, all such policies or contracts may be so signed and attested; and all other business of the said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of the said corporation.

Assignments.

§ 7. In case any person or persons insured, named in any policy or contract of insurance, made by the said corporation hereby created, shall sell and convey or assign the subject insured, during the period of time for which it is insured, it shall be lawful for such insured, to assign and deliver to the purchaser or purchasers such policy or contract of insurance; and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon, in his, her or their own name or names: provided, that before any loss happens, he, she or they shall obtain the consent in writing of the said corporation, to such assignment, and have the same endorsed or annexed to the said policy of insurance.

Real estate.

§ 8. It shall and may be lawful for the said corporation to take and hold any real estate, bona fide mortgaged to the said corporation, by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities, for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do; and also, to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceedings or otherwise, to receive and take any real estate, in payment or towards the satisfaction of any debt previously contracted, and due to the said corporation, and to hold the same until they can conveniently and advan-

tageously sell and convert the same into money or other personal property.

§ 9. The said directors, and such others as may be chosen by the said corporation, shall be indemnified and saved harmless, by the members of the said corporation in proportion to the amounts of property that each and every member may have insured, at and after the rates of insurance of such property, by the said corporation, in and for their giving out and signing policies of insurance, and all other lawful acts, deeds and transactions done and performed in pursuance of this act; and neither of the said directors shall be answerable for, or charged with, the defaults, neglects or misdeeds of others of them.

Directors to be indemnified.

§ 10. Every member of said company shall be and hereby is bound to pay his proportion of the losses and expenses accruing in and to said company, and all buildings insured by said company, together with the right, title and interest of the assured to the lands on which they stand, shall and hereby are pledged to said company, and said company shall have a lien thereon against the assured during the continuance of his, her or their policy; the lien to take effect whenever the said company shall record in the book of mortgages kept by the county clerk of the county where the property is insured, a memorandum of the name of the individual insured, and a description of the property; the said lien in no case to exceed the sum of one hundred dollars.

Lien.

§ 11. This act shall continue for the term of twenty years, and the legislature may, at any time hereafter, repeal or modify this act.

Duration of act.

§ 12. It shall not be lawful for the said corporation, to deal or use, or employ, any part of the funds or moneys thereof, in buying or selling any goods, wares or merchandize, in the way of traffic, or in any banking operations, or in the purchase or sale of any stock or funded debt, created or to be created under any law of the United States, or any particular state; but it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their funds or moneys, and also to sell and transfer the same, and again to renew such investment, when and as often as a due regard to the interest of the said corporation shall require; and also, to make loans of the funds on bond and mortgage, and the same to call in and reloan as occasion may render expedient.

Restriction

§ 13. The operations and business of the said corporation shall be carried on and conducted at the village of Granville corners, in the county of Washington.

Business where to be carried on.

Subject to
Revised Sta-
tutes.

§ 14. The said corporation shall be subject to the third title of the eighteenth chapter of the first part of the Revised Statutes.

CHAP. 150.

AN ACT to vest certain lands, tenements and hereditaments, in the mayor, aldermen and commonalty of the city of New-York.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
may become
owners of
certain lands.

§ 1. The mayor, aldermen and commonalty of the city of New-York may, in the manner herein prescribed, acquire and become the owners in fee, of the lands, tenements, hereditaments and premises, situate, lying and being within the limits or boundaries as follows: First, all the lands, tenements, hereditaments and premises, situate, lying and being in the seventh ward of the city of New-York, and bounded northerly by Grand-street, one hundred and forty feet and one inch; easterly by Corlear's-street, one hundred and nineteen feet; southerly by Lombardy (commonly called Monroe,) street, one hundred and twenty-five feet, and westerly by land belonging to the estate of George Lorillard, one hundred and eighty-one feet, six inches. Secondly, all the land, tenements, hereditaments and premises, situate, lying and being in the eleventh ward of the said city, and bounded northerly by Second-street, two hundred and two feet and ten inches; easterly by Avenue D, twenty-one feet and three inches; southerly by North-street, one hundred and ninety-eight feet and six inches, and westerly by a line drawn in a direct continuation of the easterly side of Sheriff-street, from North-street to Second-street, forty-six feet and six inches.

Commission-
ers of esti-
mate may be
appointed.

§ 2. It shall be lawful for the said mayor, aldermen and commonalty, whenever they shall judge proper, to cause application to be made to the supreme court of judicature of this state, or to either of the justices thereof, for the appointment of commissioners for the purpose of performing the duties hereinafter prescribed, and upon any such application, it shall be lawful for the said court or justice to whom such application shall be made, to nominate and appoint three discreet and disinterested persons, being citizens of the said city, commissioners of estimate, for the purpose of performing the duties hereinafter prescribed.

§ 3. The said commissioners, before they enter upon the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation, before some person authorized by law to administer oaths, "faithfully to perform the trust and duties required of them by this act," which oath or affirmation shall be filed in the clerk's office of the city of New-York. To take an oath.

§ 4. It shall be the duty of the said commissioners as soon as conveniently may be after their appointment, to make a just and true estimate of the loss and damage to the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises within the limits which may be mentioned and described in the rule or order of the said supreme court or justice thereof, appointing the said commissioners, by and in consequence of relinquishing the same to the said mayor, aldermen and commonalty of the city of New-York, and to report thereon to the said supreme court of judicature without unnecessary delay. Their duty.

§ 4. The commissioners who shall make such report, shall therein set forth the names of the respective owners, lessees, parties and persons entitled unto or interested in the lands, tenements, hereditaments and premises mentioned in the said report, and each and every part and parcel thereof as far forth as the same shall be ascertained by them, and an apt and sufficient designation of the respective lots or parcels of land and premises lying and being within such limits above mentioned. To report.

§ 6. In every case where the owners and parties interested, or their respective estates or interests may be unknown, or not fully known to the said commissioners, it shall be sufficient for them to estimate, and set forth and state in general terms the respective sums to be allowed and paid to the owners and proprietors generally, of such lands, tenements, hereditaments and premises, for the loss and damage to such owners, proprietors and parties interested in respect to the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments and premises respectively, by, and in consequence of relinquishing the same to the said mayor, aldermen and commonalty of the city of New-York, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or of any or either of them in the said report. In case of an unknown owner.

§ 7. Upon the coming in of the said report, signed by the said commissioners, or any two of them, the said court shall by rule or order after hearing any matter which may be alleged against the same, either confirm the said Court to make rule or order.

report, or refer the same to said commissioners for revision and correction, or to new commissioners to be appointed by the said court to reconsider the subject matter thereof; and the said commissioners to whom the said report shall be so referred, shall return the same corrected and revised, or a new report, to be made by them in the premises, to the said court without unnecessary delay.

Report to be confirmed if correct.

§ 8. On being so returned, the said report shall be confirmed, or again referred by the said court in manner aforesaid, as right and justice shall require; and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; and such report when so confirmed, shall be final and conclusive, as well upon the said mayor, aldermen and commonalty of the city of New-York, as upon the owners, lessees and persons and parties interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in the said report, and also, upon all other persons whomsoever.

Corporation when to become seized of land.

§ 9. On the final confirmation of such report by the said court, the mayor, aldermen and commonalty of the city of New-York shall become and be seized in fee simple absolute of all the said lands, tenements, hereditaments and premises before mentioned; and thereupon the said mayor, aldermen and commonalty, or any person or persons acting under their authority, may immediately or at any time or times thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose.

Lands under lease.

§ 10. In all cases where any lot or parcel of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, agreements, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report in the premises as shall be confirmed by the court aforesaid, respectively cease and determine and be absolutely discharged.

Copy of report to be filed in clerk's office.

§ 11. The commissioners of estimate to be appointed under and by virtue of this act, after completing their said estimate, and at least fourteen days before they make their report to the said court, shall deposit a true copy or transcript of such estimate in the clerk's office of the city of New-York, for the inspection of whomsoever it may concern, and shall give notice by advertisements to be published in at least two of the public newspapers printed in the city of New-York, of the said deposit thereof in the said office, and of the day on which their report will

be presented to the said court; any person or persons whose rights may be affected thereby, and who shall object to the same, or any part thereof, may within ten days after the first publication of the said notice, state his, her or their objections to the same in writing to the said commissioners; and the said commissioners, or such of them as shall make such estimate, in case any objections shall be made to the same, and stated in writing as aforesaid, shall reconsider their said estimate, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

§ 12. The said mayor, aldermen and commonalty shall, within one calendar month after the confirmation of the report of the commissioners in the premises by the court, pay to the respective persons and parties mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said commissioners, the respective sum or sums so estimated and reported in their favor respectively. Payment for lands.

§ 13. In case of neglect or default in the payment of any such sum or sums of money within the time above limited therefor, the respective person or persons, or party or parties in whose favor the same shall be so reported, his, her or their executors, administrators or successors, at any time or times after application first made by him, her or them to the said mayor, aldermen and commonalty, in council convened, for payment thereof, may sue and recover the same with lawful interest from and after the said application therefor, and the costs of suit, in proper form of action against the said mayor, aldermen and commonalty, in any court having cognizance thereof. May be used in case of neglect.

§ 14. It shall be sufficient in any such suit to declare generally for so much money due to the plaintiff or plaintiffs therein, by virtue of this act, for premises taken by virtue thereof, and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general declaration; and this act and the report of the said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action. Evidence.

§ 15. Whenever the owners and proprietors of any such lands, tenements, hereditaments and premises to be taken by virtue of this act, or the party or parties, person or persons interested therein, or any or either of them, the said owners, proprietors, parties or persons in whose favor any such sum or sums or compensation shall be so reported, shall be under the age of twenty-one years, *non* Minors, &c.

compos mentis, feme covert or absent from the city of New-York; and also in all cases where the name or names of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments or premises that may be so taken, shall not be set forth or mentioned in the said report, or where the said owners, parties or persons respectively being named therein cannot upon diligent inquiry be found, it shall be lawful for the said mayor, aldermen and commonalty to pay the sum or sums mentioned in the said report, payable or that would be coming to such owners, proprietors, parties or persons respectively, into the said supreme court of judicature, to be secured, disposed of and improved as the said court shall direct; and such payment shall be as valia to all intents and purposes, as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights if they had been known, and had all been present, of full age, discover and *compos mentis*.

In case of
payment by
mistake.

§ 16. In all and every case and cases where any such sum or sums or compensation so to be reported by the said commissioners in favor of any person or persons, or party or parties whomsoever, whether named or not named in the same report, shall be paid to any person or persons or parties whomsoever, when the same shall of right belong and ought to have been paid to some other person or persons, or party or parties, it shall be lawful for the said person or persons, or party or parties to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, from the person or persons, or party or parties to whom the same may have been paid, as so much money had and received to the use of the plaintiff or plaintiffs in such suit by the person or persons, party or parties respectively, to whom the same shall have been so paid.

Vacancies
how to be
filled.

§ 17. In case of the death, resignation or refusal to act of any such commissioners of estimate to be appointed under and by virtue of this act, it shall and may be lawful for the court aforesaid, or any one of the justices thereof, on the application of the mayor, aldermen and commonalty of the city of New-York, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the said city of New-York, in the place and stead of such commissioner, so dying, resigning or refusing to act; and the surviving or acting commissioners, as the case may be, shall have full power to proceed in the execution of the duties of their appointment until a

successor of the commissioner so dying, resigning or refusing to act shall be appointed.

§ 18. In all and every case of the appointment of commissioners under this act, it shall be competent and lawful for any two of such commissioners so to be appointed, to proceed to and execute and perform the trust and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed, if they had acted therein, would have been, and in all cases the acts, proceedings and decisions of a major part of such of the commissioners as shall be acting in the premises shall be as binding, valid and effectual as if the said commissioners named and appointed for such purpose had all concurred and joined therein. Two commissioners may act.

§ 19. The commissioners to be appointed under and by virtue of this act, who shall enter upon the duties of their appointment, shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses for maps, survey, clerk hire and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment, and the same shall be paid by the mayor, aldermen and commonalty of the city of New-York. Their pay.

§ 20. The proceedings under and by virtue of this act, in respect to the several parcels of the said lands, tenements, hereditaments and premises as separately described in the first section, shall be distinct and unconnected with each other, and it shall be lawful for the said mayor, aldermen and commonalty to make application to the said supreme court in relation to one or both of the said parcels at any time they may deem proper. Land may be taken separately.

CHAP. 151.

AN ACT to amend the act entitled "*An act to incorporate the village of Syracuse,*" and the act amending the same.

Passed April 22, 1884.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Every person elected or appointed to office pursuant to the acts hereby amended, (except members of the fire department,) shall duly accept the same, by taking such oath of office or executing such bond as is required, within the time prescribed, or shall forfeit for such neglect or refusal the sum of ten dollars, to be sued for and Acceptance of office.

recovered in the manner prescribed by the fourth section of the act hereby amended: provided, that such persons shall not be subject to the payment of such fine more than once during any one year.

Pay of assessors.

§ 2. Assessors who shall hereafter be elected or appointed under the act hereby amended, shall severally be paid the sum of one dollar and fifty cents per day while actually employed in the duties of their office. The number of days so employed shall be determined by the oath of the said assessors.

Road district.

§ 3. The said village of Syracuse is hereby constituted a road district, subject to be divided by the trustees, and shall be exempt from the superintendence of the commissioners of highways of the town of Salina; and the said trustees of the village shall have the same powers over the said road district, and shall discharge all the duties which by law are given to or enjoined upon commissioners of highways, and subject to the like restrictions and appeals, except as hereinafter provided. The said trustees shall have power,

Street commissioner.

1. To appoint by contract a street commissioner, and to remove him at pleasure, and appoint another person in his stead.

2. To require from such street commissioner a bond, with one or more sufficient sureties, to be approved by such trustees, for the due performance of his duties, and for the faithful expenditure of all money that shall come to his hands.

3. To pay such street commissioner such compensation for his services as they may by resolution deem proper.

4. To make an estimate and assessment of the whole number of days' works to be assessed during the year, on male inhabitants only; and no person shall be compelled to pay a commutation who is not now by law liable to work on the highways, according to the provisions contained in article second, title first, chapter sixteenth of the first part of the Revised Statutes, and the act amending the same, except that the last village assessment roll shall be used and taken instead of the town assessment roll.

5. To require of every person who shall be so assessed over two days, the payment of his whole assessment in money, at the rate of fifty cents per day, and to collect the same in the manner that taxes voted by the inhabitants of the said village are collected.

6. To make their orders from time to time in favor of the street commissioner upon the treasurer, for such portions of the money so collected as they may deem proper,

to be expended in the improvement of the streets, and in the purchase of such necessary teams and implements therefor as they may deem proper. The said street commissioner shall deliver to the trustees a list of all persons in said village by law liable to work on the highway. When a list of the persons assessed for two days or less shall be delivered by the trustees to the street commissioner, he shall warn all such persons to labor on the highways, according to the article of the Revised Statutes above referred to; and all such persons, when duly warned, shall work the number of days for which they shall be assessed, but they may commute for the same at the rate of fifty cents per day, to be paid to the said street commissioner. If any such person shall neglect or refuse to labor or commute, he shall be liable to the same penalties, and to be enforced by the street commissioner, as is provided for in the third article of the title of the Revised Statutes above referred to. The said street commissioner shall superintend the labor to be done on the highways, and expend all moneys that shall come to his hands as such street commissioner, under the direction of the trustees. He shall, as often as he may be required by the said trustees, account to them for all money that he may receive, and at the end of his term of office, render them a full account, under oath, as is provided for overseers of highways in the said third article.

§ 4. The collector of the village of Syracuse aforesaid shall, under the direction of the trustees, collect the assessments in lieu of highway labor, and the said assessments shall be a lien on real estate like other taxes. Highway labor.

§ 5. The said trustees may organize a fire department for said village, to consist of a chief engineer, and an assistant engineer, companies of firemen, not exceeding thirty-two to each fire engine, and one or more hook and ladder companies, not exceeding thirty-two members to each company. All the officers and members of the said fire department shall be appointed by the trustees, and shall hold such appointments during their pleasure. The fire companies now formed shall continue and belong to the said department, and the members thereof be removable and vacancies therein be filled as herein provided. The trustees shall be fire wardens, and belong to the said fire department, and all persons while they shall belong to the same, shall be exempt from sitting as jurors in courts of record. In every case of fire, the chief engineer, if present, shall direct all the operations of the fire department; he shall direct any or all persons present to assist in extinguishing such fire, in preventing its spread, or in pre- Fire department.

serving any property endangered. Every person disobeying the directions of the said engineer, or refusing to labor as required by him, shall be liable to a penalty not exceeding ten dollars, to be sued for and recovered by the trustees; and the execution to be issued for the collection of such penalty shall direct the constable to commit the defendant to jail, and the jailer to keep him in close custody within the jail for ten days, if the defendant shall not pay or secure the amount of the said judgment; and the jailer shall, when any person shall be so committed, keep him in custody as required by said execution. In the absence of the chief engineer, all the duties required of him, and all the powers herein given to him, shall be exercised by the assistant engineer; and in the absence of both said engineers, the president of the village shall take the place of such engineers, and discharge the duties hereby imposed, and exercise the powers herein granted to such engineers; and whenever the assistant engineer or the president of the village shall be so acting in the absence of the chief engineer, the same penalty as herein provided shall be incurred for a disobedience of their directions or a refusal to labor, as if the chief engineer had given such directions. Whenever the engineers, or in their absence any two trustees, shall deem it necessary in order to stop the progress of a fire, to pull down any building, they shall direct the same to be done, and may justify themselves for the same under this act.

Pavement of
streets.

§ 6. Whenever the trustees may deem necessary to pave any of the streets in said village, or to repair the same when so made, they shall have the power to do so, but they shall be governed in reference thereto in all respects by the provisions of the first section of the act entitled "An act to amend an act entitled 'An act to incorporate the village of Syracuse,' passed April 23, 1829," and the provisions of the said first section of the act hereby referred to, are made to apply to pavements as well as side-walks; and the several owners of lots upon any street so to be paved shall make such pavements, or pay for the same when made by the trustees, in the same manner as in said section is provided for making side-walks.

Amount of
tax.

§ 7. Whenever any meeting shall be called by the trustees for the purpose of voting any tax to be imposed upon the persons and property of the village, as provided for in the first section of the act incorporating the village, no person other than a freeholder of said village shall be allowed to vote at such meeting; and the tax so raised shall not in any one year exceed the amount of seven hundred and fifty dollars.

§ 8. So much of the several sections of the act hereby amended as are inconsistent with this act, are hereby repealed. Repeal.

§ 9. The trustees of said village shall have power to convey to Oliver Teall, his heirs or assigns, all the rights, property and powers of the trustees of the Syracuse water works company, as vested in said village by the eleventh section of the act hereby amended, for the term of thirty-five years from and after the passage of this act; and the said Teall, his heirs or assigns, shall thereafter be possessed of all the powers, rights and privileges which are granted in and by the act entitled "An act to supply the village of Syracuse with wholesome water," passed March 27, 1821, and of all the powers of said village in reference to that subject, by virtue of this act and the act hereby amended; and the said Teall, his heirs, executors, administrators and assigns, may exercise in his or their own name or names, all the rights and privileges granted by said act; and he shall distribute the water to such places as the trustees may direct; but it shall not be necessary for him or them, during said term of thirty-five years, to elect said three trustees, or account for the money to be received by him or them from said works, as in and by said act is provided. In case said Teall, after receiving the conveyance of said rights, powers and privileges, shall neglect to exercise them, the trustees of said village shall, after two years notice, have the right to resume all the rights, powers and privileges thereby granted: provided, that the sum which the said Teall, his heirs or assigns, shall charge for the use of said water shall not exceed five dollars for a private family, ten dollars for a boarding-house, and twenty dollars for a tavern, a year; and provided further, that the trustees of said village shall have power, at the expiration of said thirty-five years, to reinvest themselves and take possession of said water works, and all appurtenances thereunto belonging, by paying at the time of so taking possession thereof, estimating said water works and appurtenances at the necessary cost of erecting such works, deducting the decrease in their value by reason of their waste and decay by time and use; and provided further, that in case said trustees and said Teall, or his heirs, executors, administrators or assigns, cannot agree upon the value thereof, the same shall be ascertained and determined by three disinterested appraisers, to be appointed by the supreme court of this state, at the instance of either party.

§ 10. For the purpose of guarding against the calamities of fire, the trustees may designate such portions and Wooden buildings.

parts of said village as they shall think proper, within which no wooden buildings shall be erected; and every person who shall violate any such regulation shall forfeit to the trustees of the village the sum of two hundred dollars, and shall also forfeit the sum of twenty-five dollars for each and every week that any building is continued, contrary to such regulation.

Act to take
effect.

§ 11. This act shall take effect immediately on its final passage.

CHAP. 152.

AN ACT to incorporate the president, directors and stockholders of the Dover iron company.

Passed April 22, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Corporation
created.

§ 1. Isaac Vincent, Charles Wood, John Adriance, Lyman Roberts, John St. John, Nathaniel P. Perry, John W. McKoy, Daniel Gaylord, Gerardus Roberts, Walter Cunningham, Uriah Gregory, and such others as may hereafter be associated with them for the purpose of manufacturing iron in its various branches, and of vending the same in the most advantageous manner, shall be, and hereby are constituted a body corporate, in fact and in name, by the style of "The Dover Iron Company."

Directors.

§ 2. The stock, property and affairs and concerns of the said corporation shall be managed and conducted by not less than five nor more than seven directors, who shall be stockholders and citizens of the United States, and shall be elected on the first Monday of June in each year; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each to have one vote, and stockholders not personally present may vote by proxy; and the directors so chosen, shall, as soon as may be, after every annual election, elect by ballot one of their number to be their president, which president and directors shall continue in office one year, and until others shall be chosen to fill their places; and a majority of the directors for the time shall form a board for the transacting of business; and if any vacancy or vacancies shall at any time happen of the president or directors, the remaining directors shall supply such vacancy or vacancies for the remainder of the year; and in case of the absence at any

time of the president, the board shall have power to appoint a president pro tempore.

§ 3. The capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each; but it shall be lawful for said company to commence operations whenever ten thousand dollars shall be subscribed, if within one year from the passage of this act. Stock.

§ 4. Whenever twenty shares of said stock are subscribed, it shall be lawful for the stockholders to elect by ballot, five directors, who shall be the first directors of said company; and the said five directors so chosen may, by ballot, elect one of their number to be the first president of said company; and the said first president and directors shall respectively hold their offices until the first Monday of June then next, and until others are elected to fill their places. First directors.

§ 5. In case it should at any time happen that an election of directors should not be made on the day required by this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold an election of directors on such other day and in such other manner as may be regulated by the by-laws of the said corporation. Election.

§ 6. The stock of said company shall be considered as personal property, and the shares shall be transferable according to such rules, and subject to such restrictions as the board of directors shall from time to time make and establish for the purpose. And it shall be lawful for the president and directors of the said corporation to call for and demand of the said stockholders respectively, the amount of each share by them subscribed towards the capital stock, at such times, in such manner and in such proportion as they shall see fit; and in case any stockholder shall make default in the payment of any sum so called for and demanded, for the space of sixty days after notice of such call or demand, he shall forfeit to the said corporation all his shares and all previous payments thereon. Calls on stockholders.

§ 7. In addition to the powers herein before enumerated, the corporation hereby created shall have and possess all the powers and privileges, and be subject to all the liabilities contained in title third of chapter eighteenth of the first part of the Revised Statutes. General powers.

§ 8. It shall be the duty of the president and directors, Dividends. on the first Monday of April in each and every year, to make a dividend of so much of the profits of said corporation as to them or a majority of them shall appear advisable; and in case of any loss or losses whereby the capital stock of the

corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, arising from the profits of such corporation, shall have been added to the capital.

General
powers.

§ 9. The said corporation shall continue during the period of twenty years, and shall, in addition to the powers and privileges herein granted, possess the general powers, and be subject to the general restrictions and liabilities prescribed in the eighteenth chapter of the first part of the Revised Statutes.

Act to take
effect.

§ 10. This act shall commence and take effect from and immediately after the passage thereof.

Right to re-
peal.

§ 11. The legislature may at any time alter, amend, modify or repeal this act, or any of the provisions thereof.

CHAP. 153.

AN ACT *in relation to the trustees of the sailors snug harbor in the city of New-York.*

Passed April 23, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The trustees of the sailors snug harbor in the city of New-York, are hereby authorized to purchase and hold in fee, land adjacent to certain strips and gores of land known and distinguished on a map of certain gores of land belonging to the said trustees in the fifteenth ward of the city of New-York, made by Thomas R. Ludlum, city surveyor, and dated the thirty-first of January, one thousand eight hundred and thirty-four, as gores A, B, C, D and E, for the purpose of converting the same into lots of the usual size in that city, fronting upon the public streets.

§ 2. The said trustees shall hold the lands to be purchased as aforesaid, subject to the same trusts and limitation under which the other real estate of said corporation is now holden.

CHAP. 154.

AN ACT to incorporate the Beekman iron company.

Passed April 23, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Theodore B. Sterling, Henry D. Sterling, Henry Conklin and Gideon P. Hewitt, and such others as may be hereafter associated with them for the purpose of mining and working ores, and manufacturing iron and steel in all the various branches, and vending the same, shall be, and hereby are constituted a body corporate, in fact and in name, by the style of "The Beekman Iron company," to be located in the county of Dutchess.

§ 2. The corporation hereby created, shall be in law capable of purchasing, holding, conveying and leasing any and all necessary and convenient water powers, privileges and mill-sites, with lands adjacent thereto, and any and all necessary and convenient wood, timber, and other lands in the counties of Dutchess and Putnam, for the purpose of carrying on the manufacturing operations and business of this corporation.

§ 3. The capital stock of said company shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall be lawful for the said corporation, when and so soon as twenty thousand dollars of the capital stock shall have been subscribed and paid in, to commence its said business.

§ 4. The subscription to said stock shall be opened under the direction of Theodore B. Sterling, Gideon P. Hewitt and Henry D. Sterling, who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the said capital stock at such times and places in the village of Poughkeepsie, as they shall appoint, giving at least fourteen days' previous notice of such time and place of receiving subscriptions, in one of the public newspapers printed in the said village of Poughkeepsie. The sum of five dollars on each share subscribed shall be paid to the commissioners at the time of subscribing, as aforesaid; and in case the amount of one hundred thousand dollars of said stock shall not be subscribed at the time so appointed, then the said commissioners may, at such other times and places as they shall from time to time appoint, receive further subscriptions, until the whole capital stock shall have been subscribed for and taken up.

Distribution
of stock.

§ 5. The commissioners shall proceed to distribute the capital stock of the corporation among the subscribers thereto, in such a manner as they shall deem most advantageous to the interests of the corporation; but no such distributions shall be made until twenty thousand dollars of such stock shall have been subscribed.

Directors.

§ 6. The stock, property, affairs and concerns of the corporation, shall be managed and conducted by five directors, each of whom shall be a stockholder to an amount not less than five hundred dollars, and shall be elected on the first Thursday in June every year, at such place in the village of Poughkeepsie as the board of directors shall, by resolution, appoint; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy; and the directors so chosen shall, as soon as may be after every election, elect by ballot one of their number to be their president, which president and directors shall continue in office one year, and until others shall be chosen to fill their places; and a majority of the directors for the time being shall form a board for the transaction of business; and if any vacancy or vacancies shall at any time happen of the president or directors, the remaining directors shall supply such vacancy or vacancies for the remainder of the year. Any director ceasing to own stock to the amount of five hundred dollars shall cease to be a director, and his seat may be declared vacant. In case of the absence at any time of the president, the board shall have power to appoint a president pro tempore. Notice of the election of directors shall be published in one or more of the public newspapers published in the village of Poughkeepsie, at least fourteen days before the day assigned by the board for the election of directors.

First directors.

§ 7. Theodore B. Sterling shall be the first president of said company, and the said Theodore B. Sterling, Henry D. Sterling, Henry Conklin, Gideon P. Hewitt and Nathan Conklin, shall be the first directors, who shall severally hold their offices till the first Thursday of June, one thousand eight hundred and thirty-five.

Calls on
stockholders.

§ 8. The president and directors of said company may call for and demand of the stockholders all such sums of money as are by them respectively subscribed or held; which said sums said stockholders are hereby declared liable to pay at such times and in such proportions as the said president and directors shall deem best for the interests of the company; the said president and directors giving thirty days' previous notice of such call or demand in one of the

public newspapers printed in the village of Poughkeepsie; which payments may be made at the usual place of business of the company, or into either of the banks in Poughkeepsie, to the credit of the company; and in case of failure to pay the same, the said president and directors may declare the shares of such stockholder so failing, forfeited, and such shares, with all previous payments made thereon, shall be thereby forfeited, and become the property of said corporation.

§ 9. No transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book to be kept by the president and directors for that purpose. The stock shall be deemed personal property. Transfers.

§ 10. The said corporation shall continue during the period of twenty years, and shall, in addition to the powers and privileges herein granted, possess the general powers and be subject to the general restrictions and liabilities prescribed in the eighteenth chapter of the first part of the Revised Statutes. General powers.

§ 11. The legislature may at any time alter, modify or repeal this act. Right to repeal.

§ 12. This act shall take effect from the passage thereof. Act to take effect.

CHAP. 155.



AN ACT concerning the Orchard party of Oneida Indians.

Passed April 23, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The commissioners of the land-office shall inquire and ascertain whether any, and what sum of money ought in equity to be paid to the Orchard party of Oneida Indians, as a compensation for improvements on two hundred acres of land, ceded by the said Indians to the state by treaty, in the year eighteen hundred and twenty-seven, and to file a statement of the amount which they shall be of opinion ought to be so paid, in the office of the comptroller. Duty of commissioners of the land office.

§ 2. It shall be the duty of the treasurer of this state to pay, on the warrant of the comptroller, to the chiefs and warriors of the said Orchard party, such sum as shall be found to be due to them by the statement mentioned in the first section of this act; but the comptroller shall not draw his warrant for that purpose, until he shall re- of treasurer.

ceive from the said Orchard party a receipt, in full satisfaction of all claims upon the state, for improvements on the two hundred acres of land mentioned in the first section of this act.

CHAP. 156.

AN ACT to extend the fire limits in the city of New-York.

Passed April 23, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All dwelling-houses, store-houses and other buildings, which, after the first day of August next, shall be built or erected in the city of New-York, without the fire limits of the said city, as the same have been defined or extended by any act or acts heretofore passed, and within the following line or boundary, that is to say: Beginning at a point in the centre of Goerck-street distant one hundred feet northerly from the northerly side of Rivington-street, and running thence northerly through the centre of Goerck-street, to the centre of Third street; thence westerly, through the centre of Third-street, to the centre of Lewis-street; thence northerly, through the centre of Lewis-street, to the centre of Eighth-street; thence westerly, through the centre of Eighth-street, to the centre of Avenue D. ; thence northerly, through the centre of Avenue D., to the centre of Tenth-street; thence westerly through the centre of Tenth-street, to the centre of Avenue C. ; thence northerly through the centre of Avenue C., to a line distant one hundred feet northerly, from the northerly side of Fourteenth-street; thence westerly and parallel with Fourteenth-street, to a line distant one hundred feet easterly from the easterly side of the Second Avenue; thence northerly and parallel with the Second Avenue, to a line distant one hundred feet northerly, from the northerly side of Twenty-first-street; thence westerly and parallel with Twenty-first-street, to a line distant one hundred feet westerly, from the westerly side of the Sixth Avenue; thence southerly and parallel with the Sixth Avenue, to a line distant one hundred feet northerly, from the northerly side of Fourteenth-street; thence westerly and parallel with Fourteenth-street, to the centre of the Ninth Avenue; thence southerly through the centre of the Ninth Avenue, to the centre of Greenwich-street; thence still southerly through the centre of Greenwich-street, to the centre of Bethune-street; thence west-

erly through the centre of Bethune-street, to the centre of Washington-street; thence southerly through the centre of Washington-street, to the centre of Hamersly-street; and thence westerly through the centre of Hamersly-street, to the Hudson river, shall be deemed to be within the fire limits of the said city, and shall be subject to all the provisions of the act for the more effectual prevention of fires in the city of New-York, passed April 11, 1815, and of the several acts amending, modifying or in addition to the same.

CHAP. 157.

AN ACT to incorporate the village of Rhinebeck.

Passed April 23, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All that part of the town of Rhinebeck, in the Boundaries. county of Dutchess, comprised within the following limits, viz: Beginning at the northwest corner of the late Andrew Teal's land, it being also the southwest corner of Zachariah Traver's farm, at the old lot line between the Rutson and Beekman's patents, and running thence south three degrees east, thirty-five chains, eighty-four links, to the south side of the Landsman's kill or creek; thence along the south side thereof as it winds and turns, to a stone set by a rock, the stone being marked C; thence north twenty-four degrees west, twenty-four chains, fifty links, to the corner of John Teller's field, on the line between his lands and those of the late Henry B. Livingston, at the south side of the Ulster and Delaware turnpike; thence north twenty-six degrees thirty minutes east, along their line, to Edward Livingston's land; thence across his land in the same direction, to a stone twenty links southwest of an apple tree marked, the whole line measuring thirty-six chains, fifty-seven links; thence across the south end of Jeffry H. Champlin's land, north eighty degrees east, eleven chains, sixty-six links to his southeast corner, by the west side of the post road; thence south fifty degrees east, forty-five chains, to the place of beginning, shall hereafter be known and distinguished as the village of Rhinebeck; and Name. the freeholders and inhabitants residing within the same, qualified to vote at town meetings, may, on the last Monday of May next, meet at some proper place within the said village, to be appointed by any justice residing in said village; public notice of such meeting having been

previously given in writing, by posting the same in three or more public places in said village, at least one week previous thereto; and then and there proceed to elect seven freeholders of said village to be trustees thereof; and the said justice shall preside at such meeting, and declare the several persons having a majority of votes duly chosen as trustees; and on every last Monday of May thereafter, there shall in like manner be a new election of trustees for said village; and the trustees for the time being shall preside at such election, and shall in like manner give notice of the time and place of holding the same.

Corporation
created.

§ 2. The freeholders and inhabitants aforesaid, are hereby constituted a body politic and corporate, by the name of "The trustees and inhabitants of the village of Rhinebeck;" and by that name may purchase, hold and convey, any real estate for the public use of said village, and may erect any public buildings, aqueducts, and dig any reservoirs for water for the use of said village, and keep in repair such buildings, aqueducts and reservoirs; and purchase and keep in repair fire engines, ladders, buckets, and other instruments for extinguishing fire; and make a reasonable compensation to the officers of the corporation, and to make any necessary repairs or improvements in said village; prevent and remove nuisances; and raise money by tax for the above purposes; which money so raised shall be assessed upon the freeholders and inhabitants of said village, in proportion to the relative value of their property therein, to be assessed by three judicious assessors, to be chosen from among the freeholders in said village at the regular annual meetings, and collected by a collector to be appointed by the trustees aforesaid for the time being, in like manner as the taxes of towns and counties are collected by virtue of a warrant to him directed by a majority of the trustees; but no taxes shall be levied, or moneys assessed, raised or collected for the purpose aforesaid, nor any purchase or sale of any real estate be made, or public buildings erected or disposed of, without the consent of the freeholders and inhabitants aforesaid, who shall attend at a public meeting duly notified by the trustees as aforesaid: and every assessment made for the raising, levelling or repairing any streets, alleys or highways, shall be assessed on and collected from the real estate in said village in proportion to its relative value, and the advantages to be derived from such improvement. That it shall be lawful for the freeholders and inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be ap-

propriated, in order that the assessors may have regard thereto in assessing the same upon the respective freeholders and inhabitants of said village: if any person shall conceive himself, or herself, aggrieved by any such assessment, it shall be lawful for such person to appeal from the assessment to the trustees, at any time within ten days after such assessment shall be made, and public notice thereof given by the said assessors; and the person appealing shall give notice of said appeal to the said assessors, and to the said trustees; the said trustees shall on receiving such appeal, hear and decide the same. No person shall be entitled to vote on any proposition for raising any sum of money, who is not a taxable inhabitant of the said village.

§ 3. The trustees of the said village and their successors, ^{By-laws.} may make and publish such ordinances as they from time to time may deem proper, and particularly such as relate to the streets, alleys and highways of the said village, and draining and filling up, repairing, keeping in order, and improving the same; relative to slaughter-houses and nuisances generally; relative to restraining geese, swine or cattle of any kind; relative to the inspection of weights and measures; relative to the keeping and regulating hay-scales; relative to any thing whatsoever that may concern the good government of said village; but no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provisions offered for sale. And the said trustees may require the householders and occupants of buildings in said village, under suitable penalties, to furnish themselves with fire-buckets, and other necessary utensils for extinguishing fire; and also keep their fire-places and chimneys clean and in good repair.

§ 4. The said trustees, as often as they shall make and publish any ordinance for the purposes aforesaid, may also provide such reasonable fines, penalties and forfeitures of such by-laws as they may think proper, never exceeding twenty-five dollars for any one offence, to be prosecuted before any justice of the peace of said county by the trustees, to and for the use of said village: and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for such fines, penalties and forfeitures, to declare generally, that the defendant or defendants are indebted to the trustees of the village of Rhinebeck, in the amount of such fine, penalty or forfeiture, to be paid to the trustees for the time being, when thereunto required; and under such declaration, to give the special matter in evidence: and the freeholders and inhabitants of said village shall be deemed, and

^{Fines and penalties.}

are hereby declared, competent to give testimony in any cause wherein the said trustees are a party, notwithstanding the interest they may have as members of said corporation.

Assessors
and treasurer

§ 5. The freeholders and inhabitants qualified to vote at town meeting, shall, in every year at the annual meeting, choose, by a vote of a majority of them, three judicious freeholders, inhabitants of said village, as assessors, and one treasurer.

Collector and
clerk.

§ 6. It shall be the duty of the trustees, and they are hereby authorized to appoint, under the hand of the president and the seal of the corporation, one collector and one clerk; and it shall be the duty of the clerk to keep a faithful record of all the doings of the freeholders and inhabitants of said village at their annual and other legal meetings, in a book to be provided by the trustees for that purpose.

Officers to
take oath.

§ 7. The trustees, assessors and treasurer so to be chosen as aforesaid, and the collector and clerk so to be by the trustees appointed as aforesaid, shall, within ten days after such election and appointment, and before they proceed to the exercise of their several offices, severally take and subscribe an oath or affirmation before a justice of the peace of said village or county, for the faithful performance and execution of the trust or office to which they may be severally chosen, elected or appointed.

President.

§ 8. The trustees, within ten days after their election in every year, shall, and it is hereby made their duty, to assemble in said village, and to choose and appoint some suitable person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meetings of the trustees, to order extraordinary meetings of the trustees whenever he shall think proper; to receive complaints of the violation of any of the by-laws, rules and ordinances of the said village, and to prosecute in the name of the trustees, all offenders against the same, and to see that the public property belonging to said village be suitably taken care of and kept in order, and to do such other acts and things as may be proper for him as president of the board of trustees; and in case of the death or disability of such president, the said trustees shall choose out of their body a successor, in manner before mentioned.

Accounts.

§ 9. The trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times, open to the inspection of the inhabitants of said village, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any

money in the treasury; the treasurer, assessors and clerk shall be paid for their services such suitable compensation as the said trustees by a by-law of the corporation shall provide.

§ 10. The collector shall, within such time after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, as shall be hereafter directed by the laws of the said corporation, collect and pay over the same to the treasurer; and all moneys at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees, and applied and disposed of as shall have been directed by the inhabitants of said village. Collector's duty.

§ 11. The trustees to be elected by virtue of this act, shall continue in office until the first Tuesday of May next after their election, and until new trustees shall be chosen and qualified; and the assessors, treasurer, collector and clerk, chosen and appointed, shall hold their respective offices one year from the time of their election or appointment, and until others are chosen and appointed in their stead and have qualified. Tenure of office.

§ 12. It shall be the duty of the trustees, and they are hereby empowered to appoint, under the hand of the president and the corporate seal of the said village, three firewardens, and a company of fifteen firemen, out of the inhabitants of said village, to have the care and management of the fire engines and implements for extinguishing fires; and the trustees may remove all or any of the wardens or firemen, and appoint others in their stead, as often as they shall think proper. Firemen.

§ 13. If any inhabitant of said village, qualified to vote in relation to the assessments of taxes, shall be chosen a trustee, and having notice of his election, shall neglect or refuse to take upon him the said office, it shall be lawful for the trustees who do accept said office to impose a fine upon any such person so neglecting or refusing, not exceeding five dollars, to be recovered as other fines and penalties are to be recovered by this act, and to the use of the said village. Penalty.

§ 14. The said corporation shall possess the general powers, and be subject to the provisions and liabilities of the third title of chapter eighteen of the first part of the Revised Statutes. General powers.

CHAP. 158.

AN ACT to amend an act entitled, "*An act to incorporate the East river fire insurance company of the city of New-York,*" passed April 24, 1833.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That the period for filing the affidavit in the case of the East river fire insurance company of the city of New-York, passed April 24th, 1833, agreeably to the twenty-ninth, thirtieth and thirty-first sections of the eighteenth chapter, part first of the Revised Statutes, be, and is hereby extended until the twenty-fourth day of April, in the year of our Lord one thousand eight hundred and thirty-five.

CHAP. 159.

AN ACT in addition to the several acts relative to the capitol, and the grounds connected therewith.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer shall pay, on the warrant of the comptroller, to the trustees of the capitol, or to their order, not exceeding the sum of one thousand four hundred and seventy-five dollars, to enable the said trustees to carry into effect the provisions of the first and second sections of the act entitled, "*An act relative to the capitol, and the grounds connected therewith, and belonging to the people of this state,*" passed April 14th, 1832.

§ 2. This act shall take effect on the passage thereof.

CHAP. 160.

AN ACT to remove certain restrictions contained in a grant of land from the people of this state to Abraham Varick.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The condition of the grant made by the commissioners of the land-office, by letters patent, bearing date the second day of July, one thousand eight hundred and thirty-two, to Abraham Varick, of a lot of land in the village of Oswego, for the location of a marine rail-way, shall not be so construed as to prevent the said Abraham Varick, his heirs or assigns, from erecting and placing on such lot all such shops or buildings as shall necessarily appertain to the construction and use of a marine rail-way.

§ 2. The time limited for the construction of said marine rail-way is hereby extended until the second day of July, one thousand eight hundred and thirty-seven.

CHAP. 161.

AN ACT to amend the charter of the Bainbridge central bridge company.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The president, directors and company of the Bainbridge central bridge company are hereby authorized and empowered to demand and collect of each footman one cent toll for each time such footman shall cross said bridge, in the same manner as other tolls are collected by said company.

§ 2. This act shall take effect immediately after its passage.

CHAP. 162.

AN ACT to amend the act entitled, "*An act to incorporate the village of Sherburne.*"

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Constable.

§ 1. The trustees of the village of Sherburne are hereby authorized and empowered, annually, at their first meeting after the election of trustees in each year hereafter, to appoint one constable, who shall, after his acceptance of said office, have all the power and authority which is given to constables elected in any of the towns of this state in and by the Revised Statutes.

To take oath and give bond

§ 2. The said constable, before he shall enter upon the duties of his office, and within eight days after he shall receive notice of his appointment, subscribe and take the usual oath of office, and also execute a bond with one or more sureties, to be approved of by said trustees, for the faithful discharge of the duties of his said office, and the payment of all moneys which may be collected by him on any execution; which bond and oath of office shall be filed with the clerk of said village.

Evidence.

§ 3. The production of the said bond, or a certified copy thereof, shall be prima facie evidence in all courts within this state.

CHAP. 163.

AN ACT to incorporate the villdge of Alexander, in the county of Genesee.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Boundaries.

§ 1. All that district of country situate in the town of Alexander and county of Genesee, contained within the following boundaries, that is to say: Beginning on the west margin of the Tonnawanda creek, at the southeast corner of land owned by Levi Willard; thence westerly to the southwest corner of land owned by Ichabod Thompson; thence northerly to the south line of land owned by David Walden; thence west to the southwest corner of said Walden's land; thence northwardly on the west bounds of said land, and land owned by Benjamin Dutton,

to the state road; thence north sixty rods on land owned by Ephraim Burlingame; thence eastwardly to the south-west corner of land owned by Mrs. Loomis; thence east on the south line of said Loomis' land forty rods east of the Allegany road; thence south to the Tonnawanda creek; thence along the west margin of said creek and bounded thereon, to the place of beginning, shall hereafter be known and distinguished by the name of the village of Alexander. And the freeholders residing or who may hereafter reside within the limits aforesaid, are hereby constituted a body corporate, by the name of the "Trustees of the village of Alexander." And it shall be lawful for the inhabitants of said village qualified to vote at any town-meeting, to meet at the house of H. & D. Lathrop, in said village, on the first Monday in June next, at one o'clock in the afternoon, and then and there to elect by ballot three discreet freeholders, residents of said village, to be trustees thereof, designating one of them as president, three assessors, also to be freeholders, one constable and collector and one treasurer, all of whom shall be residents of said village; and the justice or justices residing in said village shall preside at said meeting, and shall declare the several persons having the greatest number of votes to be duly elected as such officers. And on the first Monday in April, in each and every year thereafter, there shall be an annual election of said officers, at such place as shall be designated by a written notice, put up in three public places in said village, at least six days before said election, which notices shall be signed by the clerk of the board of trustees; and the trustees may call special meetings of the inhabitants of said village, by specifying in each notice the time, place and object thereof, at least ten days before said meeting; and in case, by any reason whatever, said officers or any of them shall not be chosen on the day appointed for the same, the corporation shall not be dissolved, but it shall be lawful for the voters of said village to elect such officers at a special meeting, notified as aforesaid. The inhabitants of said village, who shall be liable to pay taxes assessed upon their real or personal property, shall be voters therein, and may at their annual meeting or at a special meeting, notified as aforesaid, vote to raise by tax for the contingent expenses of said corporation, or for any village purpose or improvement, such sum or sums of money as they shall think proper, not exceeding one hundred dollars in any one year.

§ 2. The assessors shall, within thirty days after any tax shall have been voted, proceed to assess all the real and personal property in said village, owned by the taxa-
Assessors
duty.

Corporation
created.

collected as other penalties are collected. The treasurer, constable and collector shall, within ten days after their election, and before they shall enter upon the duties of their respective offices, give such bonds for the faithful performance of the trust reposed in them, as the trustees shall deem sufficient.

Treasurer of
office.

§ 13. All officers, elected by virtue of this act, may hold their offices until their next annual meeting, and until others are elected and qualified in their places.

Treasurer to
account.

§ 14. The treasurer shall pay out all moneys in his hands, upon the order of the president; and shall at every annual meeting, exhibit a full account of all moneys received and paid out by him the preceding year. The legislature may at any time amend, modify or repeal this act.

CHAP. 164.

AN ACT *authorizing David Mersereau to erect a dam across the Susquehannah river.*

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Dam.

§ 1. It shall be lawful for David Mersereau, his heirs and assigns, to maintain a dam across the Susquehannah river, in the town of Union, in the county of Broome, near Crane's ferry, in said county; but there shall be constructed and maintained in said dam a sluice-way of such dimensions and construction as to render the passage safe and easy for boats, arks and rafts during the ordinary times for running such boats, arks and rafts; but the surface of said dam shall be constructed smooth and even, so as not to impede the passage of floating ice, or present any sticks or snag to which it may attach itself.

How to be
constructed.

§ 2. Such dam shall not be so constructed as to affect or injure the rights of property of any person, unless the consent of such person shall first be obtained; and this act and every thing herein contained, shall be deemed subject to a right in the legislature at any time hereafter to alter, modify or repeal the same.

CHAP. 165.

AN ACT to authorize the supervisors of the county of Washington to raise money to build and repair bridges in the town of Argyle, in said county.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Washington shall ^{Amount of} ~~bc,~~ and they are hereby authorized and required at their next annual meeting, to cause to be levied and collected upon the taxable inhabitants of the town of Argyle, in said county, in the same manner as the contingent charges of said town are by law directed to be levied and collected, the sum of one thousand dollars, together with the usual fees for collecting the same, for the purpose of building and repairing bridges in said town; which sum, when collected, shall be paid over to the commissioners of highways of the said town, to be expended by them as they, in their discretion, shall think proper, for the purposes aforesaid.

§ 2. The said commissioners of highways shall have ^{How to be} ~~power~~ to expend the money hereby authorized to be raised, as well upon contracts already made for the building and repairing of the bridges in said town, as upon those hereafter to be made.

CHAP. 166.

AN ACT to explain the act entitled, "An act authorizing the construction of a road from Port Kent, in the county of Essex, to Hopkinton, in the county of St. Lawrence, and making an appropriation therefor," passed April 18th, 1829.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The comptroller shall draw his warrant on the treasurer in favor of the commissioners appointed to superintend the construction of the said road, for their personal services respectively, over and above the amount appropriated by the said act for the construction of the said road.

collected as other penalties are collected. The treasurer, constable and collector shall, within ten days after their election, and before they shall enter upon the duties of their respective offices, give such bonds for the faithful performance of the trust reposed in them, as the trustees shall deem sufficient.

Treasure of
office.

§ 13. All officers, elected by virtue of this act, may hold their offices until their next annual meeting, and until others are elected and qualified in their places.

Treasurer to
account.

§ 14. The treasurer shall pay out all moneys in his hands, upon the order of the president; and shall at every annual meeting, exhibit a full account of all moneys received and paid out by him the preceding year. The legislature may at any time amend, modify or repeal this act.

CHAP. 164.

AN ACT *authorizing David Mersereau to erect a dam across the Susquehannah river.*

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Dam.

§ 1. It shall be lawful for David Mersereau, his heirs and assigns, to maintain a dam across the Susquehannah river, in the town of Union, in the county of Broome, near Crane's ferry, in said county; but there shall be constructed and maintained in said dam a sluice-way of such dimensions and construction as to render the passage safe and easy for boats, arks and rafts during the ordinary times for running such boats, arks and rafts; but the surface of said dam shall be constructed smooth and even, so as not to impede the passage of floating ice, or present any sticks or snag to which it may attach itself.

How to be
constructed.

§ 2. Such dam shall not be so constructed as to affect or injure the rights of property of any person, unless the consent of such person shall first be obtained; and this act and every thing herein contained, shall be deemed subject to a right in the legislature at any time hereafter to alter, modify or repeal the same.

CHAP. 165.

AN ACT to authorize the supervisors of the county of Washington to raise money to build and repair bridges in the town of Argyle, in said county.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The supervisors of the county of Washington shall bc, and they are hereby authorized and required at their next annual meeting, to cause to be levied and collected upon the taxable inhabitants of the town of Argyle, in said county, in the same manner as the contingent charges of said town are by law directed to be levied and collected, the sum of one thousand dollars, together with the usual fees for collecting the same, for the purpose of building and repairing bridges in said town; which sum, when collected, shall be paid over to the commissioners of highways of the said town, to be expended by them as they, in their discretion, shall think proper, for the purposes aforesaid. Amount of tax.

§ 2. The said commissioners of highways shall have power to expend the money hereby authorized to be raised, as well upon contracts already made for the building and repairing of the bridges in said town, as upon those hereafter to be made. How to be expended.

CHAP. 166.

AN ACT to explain the act entitled, "An act authorizing the construction of a road from Port Kent, in the county of Essex, to Hopkinton, in the county of St. Lawrence, and making an appropriation therefor," passed April 18th, 1829.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The comptroller shall draw his warrant on the treasurer in favor of the commissioners appointed to superintend the construction of the said road, for their personal services respectively, over and above the amount appropriated by the said act for the construction of the said road.

CHAP. 167.

AN ACT to incorporate the East creek turnpike company.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of "The East Creek Turnpike company."

General powers.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities of turnpike corporations, as prescribed in the first title of the eighteenth chapter of the first part of the Revised Statutes of this state, except so far as the same shall be altered by this act.

Stock.

§ 3. The capital stock of this company shall consist of three hundred shares of twenty dollars each; and Luther Pardee, Stephen Bowen and David B. Winton, shall be commissioners to open books and receive subscriptions.

Route of road.

§ 4. The said corporation may construct a turnpike road in the town of Manheim, along the valley of the East-Canada creek, and as near to said creek as may be safe and convenient, from the Mohawk turnpike company's road, and near their bridge across said creek, to the state road near Brocket's bridge, across said creek, or only along so much of the route above designated, as is not the site of a highway at the time of the passing of this act.

How to be constructed.

§ 5. The said road may be constructed of such materials as the natural surface of the ground may afford, and of a width not less than twenty feet, except those places where the creek on one side, and a steep bank or ledge of rocks on the other, makes it extremely difficult to build the road of twenty feet in width, in which places it shall not be less than fifteen feet in width, and shall be protected on the lower side by a wall or a strong railing.

Directors.

§ 6. The said company may elect five directors, and the concern of the company may be managed by three of them, as a board for the transaction of business.

Rates of toll.

§ 7. As soon as the said road shall be completed and approved according to law, the said corporation shall be authorized to erect one toll gate, or two half-toll gates, on said turnpike road, and receive the following rates of toll for passing said full toll gate, or half said tolls at each half-toll gate: For every coach, coachee, wagon, cart, or any other carriage drawn by two horses or other beasts, twelve and a half cents, for every additional horse or oth-

er beast, three cents; for every chair, sulky, chaise, wagon, cart, or any other carriage drawn by one horse, six and one-fourth cents; for every horse and rider, or horse led, four cents; for every sleigh or sled drawn by two horses or other beasts, six cents, for every additional horse or other beast, two cents; for every sleigh or sled drawn by one horse or other beast, four cents; for every score of cattle, horses or mules, twelve and a half cents; for every score of sheep or swine, six cents; and in like proportion for a greater or less number.

§ 8. The legislature may at any time alter, modify or ^{Right to} repeal this act, or any of its provisions. ^{repeal.}

CHAP. 168.

AN ACT authorizing the supervisors of the county of Schenectady to raise a certain sum by tax.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall and may be lawful for the board of supervisors of the county of Schenectady, to raise by tax, from time to time, and in such instalments as they may deem necessary, a sum not exceeding two thousand dollars, to be paid to the county treasurer, and to be applied by him to the payment of the balance due from said supervisors, upon their contract for the erection of a new court-house, jail and fire proof clerk's office, and other expenses incident to the same.

CHAP. 169.

AN ACT for the relief of certain taxable inhabitants of the village of Lansingburgh.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. From and after the passage of this act, it shall be lawful for the trustees of the village of Lansingburgh, whenever any tax shall be voted by the freeholders and taxable inhabitants of said village, for general improvements in said village, to exempt and excuse such of the in-

habitants of said village as reside south of the south bounds of the patent of Stone Arabia, from taxation or assessment for such tax, for or in respect to any taxable property south of said bounds, if, in the opinion of said trustees, the said inhabitants will not be benefitted by any such improvements to be made; in which case such taxes shall be levied and assessed upon the residue of the taxable inhabitants of said village.

CHAP. 170.

AN ACT *relative to the superior court of the city of New-York.*

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Writs.

§ 1. All writs or process which shall issue out of the said court, may be tested in any day of the term in which such court shall sit, and be made returnable on any other day of the same term, or at the next term.

Rules.

§ 2. The said court may establish by its rules, the time to be allowed for entering and perfecting bail in suits pending therein, and to be given to the sheriff in such cases before an attachment can issue against him; also the time to be allowed for pleading in such suits, and for noticing the issues in fact joined in the same for trial; but in none of the above cases shall such time be less than eight days.

CHAP. 171.

AN ACT *to incorporate the Mayville academy.*

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. William Peacock, Benjamin Evans, William Green, Martin Prendergrast, Samuel Willing, William T. Howell, Ebenezer P. Upham, Jabez B. Burrows, Hezekiah Tinkcom, Anselm Potter and William Smith, shall be, and they are hereby constituted, a body corporate, by the name of "The Mayville Academy," to be located in the county of Chautauque, for the purpose of establishing and conducting a seminary of learning for the education of

youth of both sexes; and the persons above named shall be trustees of said corporation.

§ 2. The said corporation shall have power to purchase, Real estate. take and hold real and personal estate to the annual income of six thousand dollars; and to lease, sell, or otherwise dispose of the same, for the use of said institution.

§ 3. The corporation hereby created, shall not be entitled to any portion of the literature fund, until it shall comply with all the regulations and requisitions of the regents of the university. Literature fund.

§ 4. There shall be eleven trustees of said corporation, Trustees. a majority of whom shall constitute a quorum for the transaction of business.

§ 5. The corporation hereby created shall possess the General powers. powers and be subject to the provisions contained in the eighteenth chapter and first part of the Revised Statutes.

§ 6. The legislature may at any time alter, modify or Right to repeal. repeal this act.

CHAP. 172.

AN ACT to incorporate the Holland Patent academy.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Robert Wells, Aaron White, Benjamin E. Bowen, Corporation created. Horace I. Hulbert, William Townsend, Simeon Guthrie, Oliver Combs, James Wetmore, Joseph Hamlin, and their successors, shall be and they are hereby constituted a body corporate, by the name of the "Holland Patent Academy," to be located at the village of Holland Patent, in the town of Trenton, in the county of Oneida, for the purpose of establishing, maintaining and conducting a seminary of learning for the education of youth of both sexes; and the persons above named shall be trustees of said corporation.

§ 2. The said corporation shall have power to purchase, Real and personal estate take and hold real and personal estate, to the annual income of six thousand dollars, and to lease, sell or otherwise dispose of the same for the use of said institution.

§ 3. There shall be nine trustees of the said corporation, Trustees. a majority of whom shall constitute a quorum for the transaction of business. The trustees shall have power to fill all vacancies that may occur in the board.

Literature
fund.

§ 4. The said corporation shall not be entitled to any share of the literature fund, until it shall have complied with the rules prescribed by, and subjected itself to the visitation of the regents of the university.

General pow-
ers.

§ 5. The corporation hereby created, shall possess the powers, and be subject to the provisions contained in the third title of the eighteenth chapter and first part of the Revised Statutes.

CHAP. 173.

AN ACT in addition to an act entitled "*An act authorizing the board of supervisors of the county of St. Lawrence, to levy a tax on the town of Oswegatchie, to be invested in an academy and lot, and for other purposes,*" passed April 26, 1833.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Licenses for
ferry.

§ 1. The supervisor and town clerk of the town of Oswegatchie, in the county of St. Lawrence, and the president and clerk of the village of Ogdensburgh, as the trustees of the Ogdensburgh academy, are hereby authorized and empowered to grant licenses to so many and such persons as they shall think proper, to keep a ferry across the St. Lawrence river, from Ogdensburgh, including both sides of the Oswegatchie river, to Prescott, in Upper Canada, subject at all times to such rates of ferriage and to such rules and regulations as the court of common pleas of the said county of St. Lawrence shall from time to time establish.

Rents.

§ 2. The rents, profits and income, if any, from the said ferry, after paying all charges, shall enure to and belong to the said Ogdensburgh academy, and until the completion of the duties of the commissioners named in the third section of the act to which this is an addition, the same shall be paid over to the said commissioners, and after the termination of their duties, the same shall be paid over to the treasurer of said academy.

General pro-
visions.

§ 3. The provisions of the fourth, seventh and eighth sections of title second, chapter sixteenth, part first of the Revised Statutes shall apply to the licenses and ferry named in this act.

Trustees to
report.

§ 4. The said trustees shall annually report to the said court the amount of moneys so received.

§ 5. The rights and privileges herein granted shall continue for and during the term of ten years from and after the passing of this act, and no longer. Duration of act.

§ 6. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 174.

AN ACT to widen Wooster-street, from Sixth-street to Fourteenth-street, in the city of New-York.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All that part of Wooster-street lying between Sixth-street and Fourteenth-street, in the city of New-York, as the same is established by law, shall be widened on the map or plan of the said city by adding thereto, on the easterly side thereof, twenty-five feet of land, so as to make the whole width of that part of the said street seventy-five feet. Part to be widened.

§ 2. The said part of Wooster-street so to be widened, is hereby declared to be one of the streets of the city of New-York, and may be opened as such in like manner as if the same were a street in that part of the said city not laid out into streets, avenues and public places by the commissioners appointed in and by the act, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New-York and for other purposes," passed April 3, 1807. Declared to be a street.

CHAP. 175.

AN ACT to incorporate the Clyde high school.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. School districts number fourteen and seventeen in the town of Galen, in the county of Wayne, shall form a permanent school district, not subject to alteration by the commissioners of common schools for the said town of Galen, and shall hereafter be known by the name of "The Clyde High School." Corporation created.

Trustees.

§ 2. The trustees of the Clyde High School, shall be seven in number; and the first trustees shall be George Burrel, John Condit, Sylvester Clarke, Cyrus Smith, Isaac Lewis, William S. Stow and Calvin D. Tompkins; and shall hold their offices until the first annual meeting of said permanent school district, and until others are chosen.

May receive gifts.

§ 3. Said trustees are authorized to receive gifts, grants and donations towards defraying the expenses of purchasing a site and building a suitable school-house for said high school.

Tax.

§ 4. Said trustees, on receiving the sum of one thousand dollars, or having the said sum secured to be paid to them, by subscription or otherwise, shall have power to levy and cause to be raised by tax upon the taxable inhabitants of said permanent school district, a like sum of one thousand dollars; but no such tax shall be levied until said trustees shall have called a special meeting of the taxable inhabitants of said permanent school district, in manner now provided by law for calling special school district meetings.

Report.

§ 5. Said trustees shall report in writing to said meeting the amount of moneys received by them, the sum or sums secured to be paid to them, and the manner in which it is secured; and if the sum of one thousand dollars appears to be paid, or is secured to be paid to said trustees, said meeting shall proceed to elect a clerk and collector for said high school, who shall hold their offices until the first annual meeting of said permanent school district, and until others are chosen.

General provisions.

§ 6. The trustees hereby appointed, and clerk and collector hereby directed to be chosen, shall be subject to the same penalties, and shall have the same powers, and perform the same duties, as like officers directed to be chosen by chapter fifteenth, title second and article fifth of the Revised Statutes, and all subsequent elections shall be held under that act.

School house.

§ 7. The trustees of said high school shall select a suitable site in the village of Clyde for the erection of their school-house; and shall contract for and purchase the same, and thereon erect a school-house of sufficient size to accommodate such children as may be required to be educated in said permanent school district, and shall furnish the necessary furniture and fixtures for the same.

Sale.

§ 8. School districts fourteen and seventeen, or either of them, may sell their district property and pay the amount of money arising from such sale or sales, to the trustees of the Clyde high school.

§ 9. Said trustees on receiving such moneys, shall, if Deduction. required by either district, deduct the amount from that part of the tax hereby directed to be imposed on the taxable inhabitants of the individual district paying the same.

§ 10. The school money which school districts number School money. fourteen and seventeen shall from time to time be entitled to receive from the commissioners of common schools in the town of Galen, shall be paid to the trustees of the Clyde high school; who shall be required to report to said commissioners in the same manner as other school districts are by law required to report.

§ 11. The trustees receiving such moneys, shall give How to be applied. their receipt for the same, and shall apply the money received, exclusively to the payment of the teachers employed by them; and it may be applied in such manner as to render the tuition of such poor children in said district as they may deem proper, gratuitous.

§ 12. It shall be the duty of the trustees of the said Annual report. high school, to make an annual report to the superintendent of common schools, of the state and condition of the said school.

§ 13. The trustees shall have the general superintendence Superintendence. of all schools taught in said school-house, and shall employ as many teachers and assistants as they shall deem necessary, and shall direct the course of instruction, and regulate all the internal concerns of said school.

§ 14. This act shall take effect on the passage thereof; Act to take effect. and the legislature may at any time alter, modify or repeal this act.

CHAP. 176.

AN ACT to incorporate the Preble high school.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Thomas Kelsey, Francis Gilbert, David Jacobs, Jabez B. Phelps, Fredus Howard, Ambrose S. Higgins, Martin Lyon, William Adams, Martin Phelps, Hugh Reed, Alvan Kellogg, William O'Farrel, Daniel Vail, Edwin Beers and Gershom Bonatts, and their associates, are hereby constituted and declared to be a body corporate and politic, by the name of "The Trustees of Preble High School." Corporation created.

Officers.

§ 2. The officers of the said corporation shall consist of a president, vice-president, secretary and treasurer; and that Jabez B. Phelps shall be the president, David Jacobs shall be the vice-president, Ambrose S. Higgins shall be the secretary, and Fredus Howard shall be the treasurer of said corporation, and shall hold their offices until the first annual meeting of said trustees.

First trustees

§ 3. The said fifteen persons named in the first section of this act shall be the first trustees of the said school, and shall continue in office until the last Tuesday in September next, or until others shall be chosen in their places: immediately after the passage of this act the said fifteen trustees shall meet together in the said school district, and in presence of the president and vice-president of said corporation, be divided by lot into classes of five in each class, and be numbered one, two, three; and the office of number one shall expire at the end of the first year, of number two at the end of the second year, and of number three at the end of the third year, in order that five trustees may thereafter be annually elected.

Election.

§ 4. An election for trustees shall be holden on the first Tuesday in September in each and every year, at the school-house in school district number six in Preble, at four o'clock in the afternoon, notice being given by the secretary of said corporation in writing, by putting up the same in three of the most public places in said school district, at least five days previous thereto; and the trustees so to be elected shall be then and there chosen by a majority of the legal voters of said school district number six; and one or more of said trustees, shall, once in every month visit the school, to examine into the state of it and to transact such business as may be requisite: the number of trustees shall forever hereafter be fifteen; and in case the place of any of the trustees shall become vacant by death or otherwise, such vacancy shall be filled by the vote of a majority of the legal voters of said school district number six.

Annual meeting.

§ 5. The annual meeting of the trustees of said corporation shall be holden at the said school-house on the last Tuesday in September in each and every year, at one o'clock in the afternoon, and the president, vice-president, secretary and treasurer shall be elected thereafter at the annual meeting of said trustees, and shall hold their offices for the term of one year, and until others are elected in their places.

Special meetings.

§ 6. The president or vice-president and two trustees, shall have power to call special meetings of said trustees,

whenever they may deem it necessary, to be held at said school-house in said district number six.

§ 7. The corporation hereby created shall possess the powers and be subject to the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes. General powers.

§ 8. The corporation hereby created shall not be entitled to any portion of the literature fund, until it shall comply with all the regulations and requisitions of the regents of the university. Literature fund.

§ 9. The legislature may at any time hereafter alter, modify, amend or repeal this act. Right to repeal.

CHAP. 177.

AN ACT to incorporate the Lockport and Niagara falls rail-road company.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of the "Lockport and Niagara falls rail-road company," with power to construct a single or double rail-road, commencing in the village of Lockport and running from thence on the most eligible route to the village at or near the Niagara falls, to transport, take and carry persons and property upon the same, by the power and force of animals, or of any mechanical power, or of any combination of them which the said company may choose to employ; and by that name they are vested with the right and privilege of erecting, building and making a single or double rail-road for the purpose aforesaid, and the right of using the same in the manner hereinafter directed, for and during the term of fifty years. Corporation created.

§ 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence the construction of said rail-road, and expend at least the sum of fifty thousand dollars thereon, and shall not, within five years from the passage of this act, finish and put in operation the said single or double rail-road or ways, then the said corporation shall thenceforth forever cease, and this act shall be null and void. Time limited.

§ 3. The capital stock of said company shall be one hundred and ten thousand dollars, which shall be divided Stock.

into shares of fifty dollars each, and shall be deemed personal property.

Commissioners.

§ 4. Elisha Tibbits, Charles E. Dudley, Henry Seymour, Lot Clark, Henry Wallbridge, Joel M'Collum, John Gooding, Hiram Gardner, Augustus Porter, Seymour Scovell and Samuel De Veaux shall be commissioners for receiving subscriptions to the capital stock of the corporation, and for apportioning the same among the subscribers, agreeably to the provisions of this act.

Notice.

§ 5. It shall be the duty of the said commissioners, within one year after the passage of this act, to give notice once in each week for three weeks in succession, in a newspaper printed and published in the county of Niagara, of the time when the books will be opened, at some convenient place in the village of Lockport, for receiving subscriptions to the capital stock of said corporation.

Subscriptions.

§ 6. One or more of the said commissioners shall attend at the time and place appointed by the said notice for the opening said books, and for three days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of the said corporation, from all persons who will subscribe thereto in conformity with the provisions of this act.

First payment.

§ 7. Each subscriber at the time he subscribes shall pay to the commissioners five dollars on each share of the stock subscribed by him.

Distribution of stock.

§ 8. If at the expiration of the time mentioned in the sixth section of this act, it shall appear that more than the requisite number of shares have been subscribed, it shall be the duty of the commissioners to distribute the same among the subscribers in such manner as they shall deem equitable and proper.

Additional subscriptions.

§ 9. In case the capital stock shall not be subscribed during the time specified in the preceding sixth section, it shall be the duty of the commissioners from time to time to take such further measures as they may deem necessary, in order to fill the subscriptions for the stock.

Directors.

§ 10. The concerns of the corporation shall be managed by seven directors, to be chosen annually, by and from among the number of the stockholders.

Notice.

§ 11. As soon as may be after the stock shall have been thus apportioned, the commissioners shall give a notice of the time and place at which a meeting of the stockholders will be held for the choice of directors. Such notice shall be published once in each week for three weeks successively prior to the time therein appointed for such election,

in a newspaper printed and published in the county of Niagara.

§ 12. At the time and place appointed for that purpose, ^{Election.} the commissioners, or some of them, shall attend, and the stockholders, or their proxies duly appointed in writing, shall proceed to elect, by ballot, the requisite number of directors. The commissioners, or some of them, shall preside at the election, and shall certify the result in writing under their hands, which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All future elections shall be conducted in the manner prescribed by the by-laws of the corporation.

§ 13. Each stockholder shall be allowed as many votes ^{Votes.} as he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice; but no stockholder shall be allowed to vote at any election after the first for any stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.

§ 14. The directors shall hold their offices for one year, and until others shall be elected in their stead. They shall appoint one of their number as president and some suitable person as secretary of the corporation. ^{Tenure of office.}

§ 15. The said directors shall have power to cause such examinations and surveys of the route for said rail-road to be made as may be necessary to the selection by them of the most advantageous line, course or way for the said road. And the said directors, or a majority of them, shall, after such examinations and surveys shall be made, select, and by certificates designate the line, course or way which they may deem most advantageous for the said rail-road, a certificate of which shall be filed in the office of the clerk of Niagara county, and the way so selected and certified shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make said rail-road, as herein after provided. ^{Surveys.}

§ 16. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the object for which this corporation is granted, and may, by their agents, surveyors and engineers, enter upon such route, place or places to be designated as aforesaid by the said directors as the line, course or way whereon to construct the said rail-road; and it shall be lawful for the said corporation to enter upon and take possession and use all such lands and real estate as may be indispensable for the construction and maintenance of said rail-road, and the accommodations requi- ^{Real estate.}

site and appertaining unto them; and may also receive, hold and take all such voluntary grants and donations of land and real estate as shall be made to said corporation, to aid in the construction, maintenance and accommodation of said rail-road or ways; but all lands or real estate thus entered, taken possession of and used by said corporation which are not donations, shall be purchased of the owner or owners of the same, at a price to be mutually agreed upon between them. In case of a disagreement of price, and before the making of any portion of the road upon said land, the directors of the said company may present their petition to the vice-chancellor of the eighth circuit, setting forth the necessity of such lands for making said rail-road or ways, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reason why the purchase cannot be made; and the said vice-chancellor shall direct such notice to the owner or owners of such lands as he shall deem proper and reasonable, of the time and place of hearing the parties, and upon proof of due service of such notice, and upon hearing the parties, the vice-chancellor shall appoint three competent and disinterested freeholders of said county of Niagara to appraise said lands. The said commissioners, after giving notice to the owner, or in case of absence, leaving a written notice at his usual place of residence, shall appraise said lands, and shall award to the owner or owners thereof what they shall deem to be the full value of the same, and shall be authorized to examine the lands, to administer oaths, to hear testimony, and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, and shall report the same, with the testimony taken, to the said vice-chancellor. The said vice-chancellor shall examine the report, and shall hear the parties if desired, and may increase or diminish the amount awarded if he shall be satisfied injustice has been done. Upon proof to the said vice-chancellor, within thirty days after his determination, of the payment to the owner, or of the depositing to the credit of the owner in such bank as the said vice-chancellor shall direct, of the amount of such appraisement, and the payment of all expenses attending it, the said vice-chancellor shall make a decree or order, particularly describing the lands, and reciting the appraisement, and the mode of making it, and all other facts necessary to a compliance with this section of this act. And when the said decree or order shall be recorded in the office of the clerk of Niagara county, whose duty it shall be to record the same, the said corporation shall be possessed of all the lands for the

purpose of said road, and may enter upon and take possession and use the same.

§ 17. In case any married woman, infant, idiot, insane person or non-resident, who shall not appear after such notice, shall be interested in any such land, the said vice-chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident. Rights of infants, &c.

§ 18. Whenever it shall be necessary for the construction of the rail-road to intersect or cross any stream of water or water course, or any road or highway lying between the places prescribed by the first section of this act, it shall be lawful for said corporation to construct said rail-road or ways across or upon the same; but the corporation shall restore the stream or water courses, or road or highway thus intersected, to its former state, or in a sufficient manner not to impair its usefulness. Crossing streams or roads.

§ 19. It shall be lawful for the company hereby incorporated, from time to time, to regulate and receive the tolls and charges by them to be received, for transportation of persons and property on said rail-road, but the said company shall not charge or receive a greater sum than at the rate of four cents per mile for the transportation of any passenger and his ordinary baggage. Tolls.

§ 20. If any person shall wilfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of said corporation, or any machine, engine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed or impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation treble damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit by action of debt. Penalty.

§ 21. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments made thereon; and shall give notice of the payments thus required, and of the time and place where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper, published in the county of Niagara. Calls on stockholders.

§ 22. Nothing in this act shall be deemed to authorize the said corporation to construct the said rail-road across the Erie canal, without the written authority of the ca-

nal board; who are hereby authorized to grant permission to the said corporation to construct their said rail-road or way across or along such canal, on receiving satisfactory evidence that it is necessary to the construction of said rail-road or way, and that it will be done in a manner that shall not in any degree obstruct the transportation upon the said canal, or impair its usefulness; but the canal commissioners shall have a superintending power over such parts of said road as may be laid across or along said canal, and may at any time direct such alterations to be made as they may deem necessary.

General powers.

§ 23. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Annual report.

§ 24. The directors of said company shall make an annual report in detail of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state, and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

Right to purchase road.

§ 25. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said corporation of the amount expended by them in the construction of said rail-road, together with all the moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums at the rate of ten per cent per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Right to repeal.

§ 26. The legislature may at any time alter, modify or repeal this act.

CHAP. 178.

AN. ACT to incorporate the Long-Island rail-road company.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Valentine Hicks, William Wicks, Edmund Frost, Timothy Clows, Selah B. Strong, John Lawrence, Joseph C. Albertson, Robert W. Mott, Joshua Fanning, Alden Spooner, William F. Blydenburgh, Singleton Mitchill, Gabriel Furman, Daniel E. Smith, James Hallock, William Rockwell and Joshua B. Smith, and all such other persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be and continue, for the term of fifty years from the passage of this act, a body corporate and politic, by the name of "The Long-Island Rail-Road Company." Corporation created.

§ 2. The said corporation shall have the right to construct, and during its existence to maintain and continue a rail-road or rail-roads, with a single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point adjoining Southold bay, in or near the village of Green-Port, in the county of Suffolk, and extending from thence, on the most practicable route, through or near the middle of Long-Island, to a point on the water's edge in the village of Brooklyn, in the county of Kings, to be designated by the trustees of that village, and to a point on the water's edge in the village of Williamsburgh, in the said county of Kings, to be designated by the trustees of that village, and in like manner to construct, maintain and continue a branch rail-road from the said main road to Sagg-Harbour. Route of road.

§ 3. The capital stock of the corporation hereby created shall be one million and five hundred thousand dollars; it shall be deemed personal property, and shall be divided into shares of fifty dollars. Stock.

§ 4. Samuel Hicks, Benjamin Strong, John L. Graham, Joseph Moser, Edwin Hicks, Edmund Frost, Valentine Hicks, Singleton Mitchill, Nicholas Wyckoff, William F. Blydenburgh, James H. Weeks and Joseph H. Goldsmith, shall be commissioners for receiving subscriptions to the capital stock of the said corporation, and for apportioning the same among the subscribers, agreeably to the provisions of this act. Commissioners.

Notice.

§ 5. It shall be the duty of the commissioners within one year after the passage of this act, to give notice once a week for four successive weeks, in a newspaper published in the city of New-York, and in each of the counties of Kings, Queens and Suffolk, of the time when the books will be opened at some convenient place in the said city, and in each of the said counties, for receiving subscriptions to the capital stock of the said corporation.

Subscriptions to stock.

§ 6. One or more of the said commissioners shall attend at the time and places mentioned in the said notices, and for three days successively, and during at least six hours of each day, shall receive subscriptions to the capital stock of the said corporation, in conformity with the provisions of this act.

Brooklyn & Jamaica rail-road.

§ 7. The president and directors of the Brooklyn and Jamaica rail-road company may, at the time so appointed, subscribe for six thousand shares of the capital stock of the corporation created by this act; and the said commissioners shall thereupon allot the same to the stockholders of the said Brooklyn and Jamaica rail-road company, apportioning to each stockholder the same number of shares as were held by such stockholder in the said last mentioned company.

May transfer rights, &c.

§ 8. If the said president and directors of the Brooklyn and Jamaica rail-road company shall subscribe to the stock of the corporation hereby created pursuant to the provisions of the last preceding section, and the residue of the stock of the said last mentioned corporation shall be taken pursuant to the provisions of this act, within two years from the passage of the same, it shall be the duty of the said president and directors of the Brooklyn and Jamaica rail-road company, within three months after being notified by the said commissioners that such stock has been taken, to assign, transfer and convey to the corporation hereby created, all the property, rights, privileges and immunities of the said Brooklyn and Jamaica rail-road company, first deducting their surplus fund, if any there should be, and the same shall thereupon vest in the corporation hereby created, and the said Brooklyn and Jamaica rail-road company shall thereupon cease to exist as a separate corporation.

Then to be stockholders.

§ 9. If the said Brooklyn and Jamaica rail-road company shall be united with the corporation hereby created pursuant to the provisions of this act, the stockholders of the said Brooklyn and Jamaica rail-road company shall be stockholders of the corporation hereby created. The amount paid in by them respectively for their shares, with interest at seven per cent from the date of such

payments and the further sum of five dollars on each share, deducting any dividends which they may have respectively received, shall be deemed and taken as paid to the corporation hereby created, at the date of the conveyance mentioned in the last preceding section.

§ 10. If the amount allowed to the stockholders of the Brooklyn and Jamaica rail-road company, as paid by them respectively on each share, pursuant to the provisions of the last preceding section, shall exceed the amount then paid by the stockholders of the corporation hereby created respectively on each share, the stockholders of the Brooklyn and Jamaica rail-road company shall be allowed interest on the excess thus paid on their respective shares at the rate of seven per cent per annum in any future payments. Excess.

§ 11. If any stockholder or stockholders of the Brooklyn and Jamaica rail-road company shall signify his or their determination not to become a stockholder of the corporation hereby created, to the commissioners, or either of them, at the time first appointed by them to receive subscriptions to the said capital stock, the share or shares of such stockholders shall be deducted from the number of shares allotted to the stockholders of the said Brooklyn and Jamaica rail-road company; and when such company shall transfer their property and rights to the corporation hereby created pursuant to the provisions of the eighth section of this act, the stockholder or stockholders so signifying such determination, shall be entitled to demand and receive from the corporation hereby created, the sums of money previously paid by him or them on his or their shares, with interest thereon at the rate of seven per cent per annum, and the further sum of five dollars on each share, deducting therefrom the amount of dividends thereon previously received by him or them. Deduction.

§ 12. Each subscriber for stock, at the time he subscribes, shall pay to the commissioners five dollars on each share of the stock subscribed for by him. First payment.

§ 13. If at the expiration of the time mentioned in the sixth section of this act, it shall appear that more than the requisite number of shares has been subscribed, it shall be the duty of the commissioners forthwith to apportion the shares not taken by the Brooklyn and Jamaica rail-road company, among the subscribers, in such manner as they shall deem most for the interest of said corporation. Apportionment.

§ 14. If the capital stock shall not be fully taken up during the time specified in the sixth section, it shall be the duty of the commissioners from time to time to take Further subscriptions.

such further measures as they may deem necessary to fill the subscription for the stock.

Directors.

§ 15. The concerns of the said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by and from among the stockholders.

Notice

§ 16. As soon as may be after the stock has been thus apportioned, the commissioners shall give a notice of the time and place at which a meeting of the stockholders will be held for the choice of thirteen directors. Such notice shall be published once in each week for three weeks successively, prior to the time therein appointed for such election, in a newspaper printed and published in the city of New-York, and in the counties of Suffolk, Queens and Kings.

Election.

§ 17. At the time and place appointed for the purpose, the commissioners, or a majority of them, shall attend, and the stockholders present, or their proxies duly appointed in writing, shall proceed to elect by ballot, thirteen directors: the commissioners present shall preside at the election, and shall certify the result under their hands; which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All future elections of such directors shall be conducted in the manner prescribed in the by-laws of the corporation.

Votes.

§ 18. Each stockholder shall be allowed as many votes as he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice; but no stockholder shall be allowed to vote at any election after the first, for any stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.

Tenure of office

§ 19. The directors shall hold their offices for one year following their election or appointment, and until others are elected or appointed in their places: they shall appoint one of their number as president, and some suitable person secretary of the corporation.

Manner of using road.

§ 20. In addition to the general powers given by the Revised Statutes to corporations, the corporation hereby created shall have power to prescribe the manner in which the said roads shall be used; by what force the carriages to be used thereon may be propelled, and the rates of toll for the transportation of persons or property thereon; it shall have power also by its officers, agents and servants, to enter upon any of the lands lying within the contemplated range of the said rail-road, for the purpose of examining, surveying and establishing its lines.

§ 21. The said corporation may also construct, purchase or hire docks or wharves at the easterly termination of the said road, for the convenient use of the same. And the title of this state to any land covered with water, which may be requisite for the construction of such docks or wharves, and which may be taken for that purpose without injury to the navigation of the waters thereof, shall be conveyed to the said corporation by the commissioners of the land-office.

§ 22. The said corporation may also, either separately or in conjunction with any other rail-road company incorporated by the laws of this or any other state, purchase or employ one or more steam-boats for the conveyance of passengers and goods between the eastern termination of the said rail-road and any other rail-road incorporated by the legislatures of Connecticut or Rhode-Island.

§ 23. The said corporation may acquire title to the lands through which the said rail-roads shall be laid, by purchase or voluntary cession. If any of the owners of the said lands is an infant or insane, and such infant has a guardian, or such insane person a committee, it shall be lawful for such guardian or committee to agree to convey the land of such infant or insane person to the said corporation: and on such agreement being reported by such guardian or committee to the vice-chancellor of the first circuit, and approved by him as conducive to the interests of such infant or insane person, the said vice-chancellor may authorise the said guardian or committee to, and such guardian or committee may thereupon, convey to the said corporation the right, title and interest of such infant or insane person in and to such lands.

§ 24. In case the corporation shall not be able to acquire the title to such lands as may be requisite for the said rail-roads, or the use thereof, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by this act, on complying with the provisions of the six following sections.

§ 25. The directors of the corporation hereby created, may present a petition to the said vice-chancellor, setting forth by some proper description the lands which are wanted for the construction of the said rail-roads, or the appendages thereto, and the names of the owners (or if the title thereto is in dispute, of the claimants,) thereof, if known; distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners or claimants, and their title or claim to the same,

whether as tenants, reversioners or remaindermen, and praying for the appointment of appraisers to assess the damages which the owners of such lands will severally sustain by reason of the appropriation thereof by the said corporation to its own use.

Hearing.

§ 26. On the presentment of such petition, the said vice-chancellor shall appoint a day for the hearing of the parties, and direct such notice as he shall deem reasonable to be given of the time and place of hearing; and in case it shall appear that any of the owners or claimants of the said lands is a feme covert, an infant, or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said vice-chancellor to appoint some discreet and responsible person to act in the premises in his or her behalf.

Damages.

§ 27. At the time appointed for such hearing, the said vice-chancellor shall appoint three disinterested freeholders, residents on Long-Island, for the purpose of assessing such damages; and in the order for their appointment, shall direct what lands are to be appropriated by the said corporation for the purposes aforesaid.

Appraisers.

§ 28. The said appraisers, after being sworn before some officer authorized to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner, whether his estate be in possession, reversion or remainder, (or in case of a disputed title, which the true owner, naming all the claimants) will sustain by the appropriation of his or her land for the use or accommodation of such rail-road or its appendages.

To report.

§ 29. The said appraisers shall make a report to the said vice-chancellor in writing, under their hands and seals, reciting the order for their appointment, and specifying the several parcels of land described therein, with requisite certainty, the names of the owners or claimants of the respective parcels if known, and if not known, stating that fact, and specifying also the damages which the owners of the said respective parcels will sustain, by reason of the appropriation of the same for the purposes aforesaid; and in case either of the parties is dissatisfied with the assessment, the said vice-chancellor may, on the hearing of the parties in interest, modify the assessment as shall appear to be just.

Future claimants.

§ 30. The rights of any future claimants to any of the lands which may be taken by the said corporation for the use of the said rail-roads, or any of their appendages,

shall at any future time be ascertained, valued and acquired for the use of the said corporation, in the manner directed in the six preceding sections.

§ 31. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said vice-chancellor, or on depositing the amount thereof for the use of such owners in either of the banks of the village of Brooklyn as the said vice-chancellor shall direct, the said corporation shall immediately become entitled to the use of the said lands for the purposes aforesaid; and the report of the said appraisers, with the order of the said vice-chancellor modifying the same, in case the same shall have been modified, may be recorded in the proper office, in the same manner and with the like effect, as deeds are recorded, without any other proof than the certificate of the said vice-chancellor, that the report is genuine. Lands vested in company.

§ 32. The corporation shall be bound to repair all public highways, bridges, rail-roads and water-courses, which may be injured in constructing the said rail-roads or their appendages, and shall restore them as far as practicable, to as good a condition as they were in before they become injured. Repair.

§ 33. The said corporation shall be allowed two years from the passage of this act, for the commencement of the construction of the said rail-road; and in case the said rail-road from Green-Port to Brooklyn and Williamsburgh, shall not be completed within six years thereafter, the privileges herein granted shall be forfeited. Time limited.

§ 34. The said corporation shall construct the said road to both Brooklyn and Williamsburgh, and the said branch to Sagg-Harbor, at the same time with the main road, if it shall appear to the directors from the report of the engineers or surveyors employed to survey the route of the main road and the said branch that the capital stock of the said corporation subscribed will be sufficient for the purpose. Branches.

§ 35. Every person who shall wilfully injure the said rail-road or any of its appendages, shall forfeit to the use of the said corporation, a sum equal to three times the amount of damages occasioned by such injury, to be recovered with costs of suit, in the name of such corporation, in an action of debt. Penalty.

§ 36. No street or lane in Brooklyn or Williamsburgh shall be taken by the said corporation for the said rail-roads, without the previous permission of their respective corporations; nor shall steam power be used on any part Streets.

of the rail-roads within either of the said places without such permission.

Account to
be filed.

§ 37. The directors of the said corporation shall, at the end of every year after the construction of the said rail-road shall have been commenced, and for the term of fifteen years after the same shall have been completed, cause to be filed in the office of the secretary of state, a detailed account of all the moneys expended during the year, in constructing the said rail-road and its appendages, and in superintending and keeping the same in repair; and a similar account of the income derived by tolls or otherwise from the use of the said rail-road, to the end that a just estimate may be made of the profits received by the said corporation therefrom; such account shall be verified by the oaths of at least two of the directors, or other officers of the said corporation.

Road may be
purchased.

§ 38. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said road, make provision by law for the repayment to the said corporation of the amount expended by them in the construction of their rail-roads, together with all moneys expended by them for permanent fixtures for the use of the said rail-roads, with interest on the said sums from the time of their expenditure, at the rate of ten per centum per annum, together with all moneys expended by said company for repairs or other necessary expenses for the purposes of said roads, after deducting the amount of tolls received on said roads, then the said rail-roads, with all their fixtures and appurtenances, shall vest in and become the property of the people of this state.

General pro-
visions.

§ 39. The said corporation shall be subject to the restrictions and liabilities imposed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

Right to re-
peal.

§ 40. The legislature may at any time alter, modify or repeal this act.

CHAP. 179.

AN ACT to incorporate the Genesee river steam-boat association.

Passed April 24, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. James S. Wadsworth, Abraham M. Schermerhorn, William H. Spencer, Thomas Kempshall, Silas O. Smith, and such other persons as shall become stockholders agreeably to the provisions of this act, in the corporation hereby created, shall be, and for the term of twenty years from the passage of this act, shall continue to be a body corporate, by the name of "The Genesee River Steam-boat Association." Corporation created.

§ 2. The said corporation is created for the purpose of navigating the Genesee river above the village of Rochester, in the county of Monroe, by steam-boats, and for the purpose of improving the navigation of said river above said village as far as practicable, by clearing out the channel thereof, and the erection of dams, locks, and other works necessary to make a good slack water navigation in said river; which improvements and erections the said corporation shall have a right to make; but no dam shall be erected by the said incorporation above the dam of Erastus Bailey, in the town of York, nor shall any dam be erected above the feeder dam near Rochester, of any greater height than the dam of the said Erastus Bailey. purpose.

§ 3. The capital stock of the said corporation shall be thirty thousand dollars, to be divided into shares of fifty dollars each. Stock

§ 4. The concerns of said corporation shall be managed by a board of five directors, to be chosen annually by and from among the stockholders, who shall hold their offices for one year following their election, and until others are elected in their places. Directors.

§ 5. James S. Wadsworth, Abraham M. Schermerhorn, William H. Spencer, Thomas Kempshall and Silas O. Smith shall be the first directors of the said corporation; and shall hold their offices until the first annual election of directors, and until others are elected in their places. First directors

§ 6. The said directors shall have power to receive subscriptions to the capital stock of said corporation, giving two weeks' previous notice of the time and place of receiving such subscriptions, in one or more public news-

papers printed in each of the counties of Monroe and Livingston.

Steam-boat
association.

§ 7. All those persons who are now holders of stock in an association which is now building a steam-boat to navigate the Genesee river, shall be entitled to become stockholders in the corporation hereby created, to the amount of the stock now held by such persons in the said association, in preference to any other subscribers to the said capital stock.

Remainder
of stock.

§ 8. Subscriptions to the remainder of the said capital stock shall be made under the direction of the before named directors; and in case of excess of subscription, the said directors shall be authorized to apportion the stock among the subscribers in the manner which shall be deemed most for the interest of the said corporation.

Payments.

§ 9. The directors shall have power to require such payments on the subscription to the said capital stock, as they shall think proper; and further, to require the payment of the whole amount of such stock, in such instalments as they shall deem best, agreeable to the by-laws of said corporation; giving at least twenty days' notice, in a newspaper published in each of the counties of Monroe and Livingston, of the call for such instalments.

Election.

§ 10. The said directors shall have power further to determine the day of the annual election of directors for said corporation.

Notice.

§ 11. Notice of the time and place of holding the election for directors of said corporation shall be published in a newspaper printed in each of the counties of Monroe and Livingston, ten days previous to each annual election.

Election of
Directors.

§ 12. The election of directors shall be conducted in the manner which the said corporation may by their by-laws prescribe.

Votes.

§ 13. Each stockholder may vote for directors, either in person or by his proxy duly appointed in writing; and shall be allowed as many votes as he owns shares of stock; and a plurality of votes shall determine the choice: but no stockholder shall be allowed to vote at any election for any stock that shall have been assigned to him at any time within thirty days prior to the time which such elections shall be held.

Time limited

§ 14. The said corporation shall be deemed to have forfeited the privileges herein granted, if they shall not, within one year from the passage of this act, build at least one steam-boat for the navigation of the Genesee river above the village of Rochester aforesaid.

§ 15. The said corporation shall have power, by its officers, agents and servants, to enter upon any of the lands lying upon either bank of the Genesee river, for the purpose of examining, surveying and establishing the site of any dam, lock or other work necessary to be constructed, or for the purpose of deepening the channel of said river; but nothing in this act contained, shall be taken to limit or restrain the right of the state to take and use the waters of said river for the purpose of feeding any canals already constructed or hereafter to be constructed.

Lands may be entered upon.

§ 16. The corporation hereby created shall have the power to impose upon any other person, persons or incorporation who may navigate said river by steam, such tolls as may be reasonable, not exceeding the amount now ordered to be collected on boats passing on the canals of this state, and may make such rules and regulations as to the passing of the locks and dams erected on said river, as may be necessary to preserve, maintain and keep the same in repair.

Tolls.

§ 17. The said corporation shall be subject to the restrictions and liabilities imposed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Restrictions.

§ 18. The stockholders of said corporation shall be jointly and severally liable, personally, for the payment of all debts or demands contracted by said corporation or their authorized agent or agents, or demands for which the corporation may become liable, as common carriers; and any person having a demand against said corporation, may sue any stockholder, director or directors in any court having cognizance thereof, and recover the same with costs.

Liabilities.

§ 19. Before any suit shall be commenced upon any demand under the preceding section of this act, judgment shall have been obtained against said company upon such demand, and execution issued thereon and returned unsatisfied in whole or in part, or the said corporation shall have been dissolved.

Suits.

§ 20. The legislature may at any time alter, modify or repeal this act.

Right to repeal.

CHAP. 180.

AN ACT to annex a part of the town of Cohocton to the town of Dansville, in the county of Steuben.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. From and after the passage of this act, all that part of the town of Cohocton bounded on the west and south by the west and south lines of said town respectively, and on the east by a line parallel with said west line, and one and a half miles distant therefrom, and on the north by a line parallel with said south line of said town, and at four miles distant therefrom, shall be annexed to the town of Dansville, and shall constitute a part of the said town of Dansville.

§ 2. This act shall take effect immediately after its passage.

CHAP. 181.

AN ACT for the relief of the trustees of the Middlebury academy.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Muskets may
be returned.

§ 1. The trustees of the Middlebury academy, in the county of Genesee, are hereby permitted, at any time within ninety days from and after the passage of this act, to return to the state arsenal, in the village of Batavia, the muskets heretofore purchased by them of the state, at the said arsenal, and for which they gave to the state their corporate note of three hundred and fifty dollars.

Keeper of
arsenal to ac-
cept of mus-
kets.

§ 2. The present keeper of the said state arsenal at Batavia is hereby required to accept of said muskets when presented as permitted in the preceding section; give his receipt for the same, specifying as to their state and condition, the value of the injury done them, if any; and if represented by said keeper as good as when purchased, it shall be the duty of the comptroller, on the presentation of said receipt, and the order of said trustees to him, to cause the said note of three hundred and fifty dollars to be given up.

§ 3. If any injury has accrued to said muskets since the sale of the same to said trustees, the comptroller shall demand and receive the value of the injury, as specified in the receipt of said keeper, before yielding up said note: but all costs and charges made by the attorney-general on the said note shall be paid by the said trustees before the said note shall be delivered to them. Injury to be paid for.

CHAP. 182.

AN ACT to annex a part of the town of Kirkland to the town of New-Hartford, in the county of Oneida.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All that part of the town of Kirkland, in the county of Oneida, beginning at the southeast corner of the town of Kirkland; thence westerly on the Paris line to the centre of lot number forty; thence through the centre of lots forty and thirty-nine, to lot number thirty-eight, meeting the line of New-Hartford, be and the same is hereby annexed to the town of New-Hartford.

CHAP. 183.

AN ACT to authorize the superintendents of the poor of the county of Chenango to sell part of their poor farm and to purchase other lands.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The superintendents of the poor of the county of Chenango shall have power, and it shall be their duty, whenever so directed by the board of supervisors of said county, to sell, and execute a deed to the purchaser thereof, all that part of the present poor farm in the town of Preston, south of the highway leading from the Richard's road easterly through the south part of said poor farm, estimated to contain two acres, more or less. Part of farm may be sold.

§ 2. The said superintendents shall also have power and it shall be their duty, whenever so directed by the said board of supervisors, to purchase and hold such real estate for the use of the poor of said county, in addition to Other land may be purchased.

their present poor farm, as the said board of supervisors shall order and direct.

CHAP. 184.

AN ACT to revive the act entitled "*An act to incorporate the village of Perry, in the county of Genesee.*"

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled "An act to incorporate the village of Perry, in the county of Genesee," passed April 17th, 1830, is hereby revived and declared to be in full force and effect for all the purposes therein mentioned. The first election of trustees and other officers of said village shall take place on the fourth Tuesday of May next, in pursuance of the third section of the act hereby revived.

§ 2. This act shall take effect immediately after its passage.

CHAP. 185.

AN ACT confirming the official acts of Francis McCarty, a justice of the peace of the town of Martinsburgh.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Proceedings
confirmed.

§ 1. All proceedings which have been had before Francis McCarty, elected a justice of the peace in and for the town of Martinsburgh, at the annual town meeting in the year one thousand eight hundred and thirty-two, previous to the passage of this act, shall be held and adjudged to be of the same force, effect and validity as if the said Francis McCarty had taken the oath of office within the time prescribed by law.

Forfeitures
remitted.

§ 2. All liabilities and forfeitures incurred by the said Francis McCarty, for having executed any of the duties or functions of such office, previous to the taking of such oath, are hereby remitted.

Saving
injury.

§ 3. The passage of this act shall not affect or impair any suit or legal proceedings that may have been had or

commenced in consequence of the invalidity of any such proceedings before the said Francis McCarty.

§ 4. This act shall take effect immediately on its passage. Act to take effect.

CHAP. 186.

AN ACT to provide for deepening the waters adjacent to the wharves, piers, docks, bulkheads and shores in the city of New-York.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for the common council of the city of New-York, to direct and require the owners of private wharves, piers, docks and bulkheads, fronting on or running into the North or East river, or of water rights or privileges of any description within the limits of the said city, to cause the water near and adjoining such wharves, piers, docks or bulkheads, or to which such rights or privileges may attach, to be deepened at their own expense, by excavating the earth, mud, dirt, sand or bottom therefrom, in such places and at such times and within such periods as the said common council may deem necessary and proper. Owners required to deepen water in front of wharves.

§ 2. If any such owner or owners shall neglect or refuse to cause any such water to be deepened as above mentioned, after notice shall have been given to him, her or them that the same has been directed and required by the said common council, it shall be lawful for the said common council to cause the same to be done at their own expense in the first instance, but on account of such owner or owners, who shall thereafter be liable to repay the amount so expended with interest to the mayor, aldermen and commonalty of the city of New-York. In case of neglect, to be done by common council.

§ 3. In all cases arising under this act, a notice to the owner or owners of any such wharf, pier, dock or bulkhead, or water right or privilege, published in two of the public newspapers printed in the said city, for six weeks successively, shall be a sufficient notice to such owner or owners, without specifying therein the name or names of such owner or owners; and an affidavit of the due publication of such notice, made before any person authorized by law to administer oaths, shall at all times be deemed prima facie evidence thereof; and every such owner who Notice.

shall not cause the work required or directed by such notice to be begun within the time for that purpose therein to be limited and appointed, or who shall not contribute his or her proportion towards the expense thereof as the same shall accrue, shall be deemed and taken to have neglected and refused to cause such work to be done within the true intent and meaning of the second section of this act.

Expense by
whom to be
paid.

§ 4. All moneys expended or incurred by the said mayor, aldermen and commonalty, by virtue of this act, with the interest due thereon, shall until the same be paid be deemed a lien or charge upon the wharf, pier, dock or bulkhead, or water right or privilege, in front of or adjoining to or connected with which the said water may have been so deepened, and shall have a preference over all other incumbrances thereon; and in case the owner or owners of any such wharf, pier, dock or bulkhead, or water right or privilege, shall neglect or refuse to pay such money and interest, within one month after the same shall have been demanded by such person or agent as may be duly authorized for that purpose, from such owner or owners, or from any person or persons having the charge or management of such wharf, pier, dock or bulkhead, or water right or privilege, the same may be recovered, or the payment thereof, with costs, enforced in like manner as if the estate, right, title or interest of such owner or owners in and to such wharf, pier, dock or bulkhead, or water right or privilege were mortgaged to the said mayor, aldermen and commonalty for the payment thereof, or the same may be at any time recovered with costs, by action of debt, in any court of record, against such owner or owners.

CHAP. 187.

AN ACT to prevent injury being done to any rail-road within this state, and to ensure the safety of passengers upon the same.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Every person who shall hereafter be convicted of placing upon any rail-road within this state, any stone, piece of wood, or any other obstruction, with the design to obstruct or impede the passage of the cars upon the

said rail-road, and with intent to injure the said rail-road or the passengers or cars passing thereon, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding two hundred and fifty dollars, or both, in the discretion of the court before which such conviction shall be had.

CHAP. 188.

AN ACT to incorporate the *Highland bank*.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be established in the village of New-^{Name.}burgh, in the county of Orange, a bank, to be called "The Highland Bank," whose operations of discount and deposit shall be carried on in the village of Newburgh, and not elsewhere.

§ 2. All persons who shall become holders of the capital stock of the said bank pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of "The Highland Bank;" and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-four. ^{Corporation created.}

§ 3. The said corporation shall have power to carry on ^{Banking powers.} the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt; and by exercising such other incidental powers as shall be necessary to carry on such business.

§ 4. The real estate which it shall be lawful for the ^{Real estate.} said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restriction

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into four thousand shares of fifty dollars each; and Nathaniel Jones, Egbert Jansen, Robert Fowler, Nathaniel P. Hill, John Forsyth, James Belknap, Aaron Noyes, Noah Mathewson, Christopher Reeve, are hereby appointed commissioners to receive subscriptions for and distribute the capital stock.

Subscription book.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in said village of Newburgh as they shall appoint; and shall give at least fourteen days previous notice of such time and place, in one or more of the newspapers printed in said village, and in the state paper.

To be kept open three days.

§ 8. The book for subscriptions shall be kept open at least three days, for six hours each day; and the sum of five dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payments shall be made in specie or current bank bills; and no check, draft or certificate of deposit shall be received.

Further subscription.

§ 9. If the whole of the capital stock be not taken during the said three days, the commissioners may receive further subscriptions, on such other day and at such place in the village of Newburgh as they or a majority of them shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act.

Distribution of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of the said stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person, directly or

indirectly, in trust or otherwise, more than one hundred shares of such stock, if, without such allowance, the whole stock be taken.

§ 11. The commissioners shall within ten days after the distribution of said stock, publish in one of the newspapers published in the county of Orange, a full and complete statement of all the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners. Names to be published.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed. Expenses.

§ 13. No corporation, having banking powers under the authority of this state or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1820; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund. Restriction.

§ 14. The stock, property, affairs and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of said corporation. Directors.

§ 15. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the village of Newburgh, as shall be directed by the commissioners herein before appointed, or a majority of them; and the said com- First election

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restriction

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into four thousand shares of fifty dollars each; and Nathaniel Jones, Egbert Jansen, Robert Fowler, Nathaniel P. Hill, John Forsyth, James Belknap, Aaron Noyes, Noah Mathewson, Christopher Reeve, are hereby appointed commissioners to receive subscriptions for and distribute the capital stock.

Subscription book.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in said village of Newburgh as they shall appoint; and shall give at least fourteen days previous notice of such time and place, in one or more of the newspapers printed in said village, and in the state paper.

To be kept open three days.

§ 8. The book for subscriptions shall be kept open at least three days, for six hours each day; and the sum of five dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payments shall be made in specie or current bank bills; and no check, draft or certificate of deposit shall be received.

Further subscriptions.

§ 9. If the whole of the capital stock be not taken during the said three days, the commissioners may receive further subscriptions, on such other day and at such place in the village of Newburgh as they or a majority of them shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act.

Distribution of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of the said stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person, directly or

indirectly, in trust or otherwise, more than one hundred shares of such stock, if, without such allowance, the whole stock be taken.

§ 11. The commissioners shall within ten days after the distribution of said stock, publish in one of the newspapers published in the county of Orange, a full and complete statement of all the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners. Names to be published.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed. Expenses.

§ 13. No corporation, having banking powers under the authority of this state or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1820; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund. Restriction.

§ 14. The stock, property, affairs and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of said corporation. Directors.

§ 15. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the village of Newburgh, as shall be directed by the commissioners herein before appointed, or a majority of them; and the said com- First election

missioners are hereby appointed inspectors of such first election; and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed.

Subsequent
elections.

§ 16. The directors for every subsequent year shall be elected on the second Tuesday of June of every year, at such time of the day, and at such place within the village of Newburgh, as a majority of the directors for the time being shall, by resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied corporation, shall be eligible to the office of director in the corporation hereby created.

Notice.

§ 17. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the county of Orange, and in the state paper.

Votes.

§ 18. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days prior to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, including all shares which may be held by any other person in trust for him, no more than four hundred votes shall be given upon all such shares.

By ballot.

§ 19. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of said persons so having an equal number of votes shall be director or directors, or inspector or inspectors, so as to complete the whole number.

Vacancies.

§ 20. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall

happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person having the qualifications as to ownership of stock, and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

§ 21. The directors elected, as soon as may be after their election, shall proceed in like manner, to elect one of their number by ballot to be their president. ^{President.}

§ 22. The said corporation shall not commence the business of banking, until the whole of the capital stock shall have been paid to the said corporation, in specie or current bank bills; and an affidavit shall have been made by the president and cashier of the said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholder to pay the amount of his shares or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation: and any person guilty of any false swearing in any such oath, shall be subject to the pains and penalties of perjury. ^{Banking when to commence.}

§ 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under pain of the forfeitures of the shares upon which such payments are required, and all previous payments thereon, to the said corporation. ^{Call on stockholders}

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the county of Orange, and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorize in case of his default to comply therewith, the forfeiture above provided. ^{Notice thereof.}

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory upon the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt assigned by the said corporation by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation. ^{Bills, &c assignable.}

Dividends.

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they or a majority of them shall deem advisable.

Transfers.

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book to be kept by the directors of such corporation for that purpose; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession, any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused: and of any stockholder of the said corporation.

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

In case of neglect or refusal to redeem notes.

§ 29. If at any time the corporation hereby created shall neglect or refuse, for ten days after demand at their banking-house, during the regular hours of business, to redeem in specie any evidence of debt issued by the said corporation, the said company shall discontinue and close all its operations and business, except the securing and collecting of debts due or to become due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations under the section next following.

Application to chancellor.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Damages

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal, until the payment of such evidence of debt, and the damages thereon.

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said "Highland bank;" and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidence of debt of any monied institution beyond the jurisdiction of this state. Restriction.

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following, or by this act, in respect to the corporation hereby created. General powers.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, and the act amending the same, so far as the same shall be in force at the time of the passing of this act. Act of April 2, 1829.

§ 35. It shall not be lawful for the said corporation to issue, or have outstanding or in circulation at any time, an amount of notes or bills loaned or put in circulation as money, exceeding once and a half its capital stock as then paid in and actually possessed. Amount of circulation.

§ 36. It shall not be lawful for the said corporation to take a hypothecation of its own stock, as security for the making any loan or discount by such corporation. Loans.

§ 37. The legislature may at any time modify, alter or repeal this act, or any of its provisions. Right to repeal.

CHAP. 189.

AN ACT to incorporate the *Farmers' and Manufacturers' bank.*

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be established in the village of Poughkeepsie, in the county of Dutchess, a bank, to be called the "Farmers' and Manufacturers' Bank," whose operations Name.

of discount and deposite shall be carried on in said village, and not elsewhere.

Corporation
created.

§ 2. All persons who shall become holders of the capital stock of the said bank, pursuant to this act, shall be, and they are hereby, constituted a body corporate, by the name of "The Farmers' and Manufacturers' Bank;" and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-four.

Banking
powers.

§ 3. The said corporation shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt; and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business; or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due; or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate, in any other case or for any other purpose.

Restriction.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be three hundred thousand dollars, to be divided into three thousand shares of one hundred dollars each; and James Hooker, William Schell, Jacob Van Benthuyssen, James Grant, junior, Homer Wheaton, Gideon P. Hewitt and Aaron Innis, are hereby appointed commissioners to receive subscriptions for, and distribute the said capital stock.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in the said village of Poughkeepsie, as they shall appoint; and shall give at least fourteen days previous notice of such time and place, in one or more of the newspapers printed in said village, and in the state paper.

§ 8. The book for subscriptions shall be kept open at least three days, for six hours each day; and the sum of ten dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payment shall be made in specie or current bank bills; and no check, draft or certificate of deposit shall be received.

§ 9. If the whole of the capital stock be not taken during the said three days, the commissioners may receive further subscriptions on such other day, and at such place in the village of Poughkeepsie, as they, or a majority of them, shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act.

§ 10. The commissioners shall proceed, within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner, or other person, directly or indirectly, in trust or otherwise, more than fifty shares of said stock, if, without such allowance, the whole stock be taken.

§ 11. The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the village of Poughkeepsie, a full and complete statement of all the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed.

Restrictions.

§ 13. No corporation, having banking powers under the authority of the state, or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

Directors

§ 14. The stock, property and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of the said corporation.

First election.

§ 15. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the village of Poughkeepsie, as shall be directed by the commissioners herein before appointed, or a majority of them; and the said commissioners are hereby appointed inspectors of such first election; and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed.

Subsequent elections.

§ 16. The directors for every subsequent year, shall be elected on the second Tuesday of June of every year, at such time of the day, and at such place within the village of Poughkeepsie, as a majority of the directors for the time being shall, by resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied cor-

poration, shall be eligible to the office of director in the corporation hereby created.

§ 17. Public notice of every election under this act ^{Notice.} shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said village of Poughkeepsie, and in the state paper.

§ 18. Each stockholder, at the time of the first election ^{Votes.} of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days prior to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, (including all others which may be held by any other person in trust for him,) no more than four hundred votes shall be given upon all such shares.

§ 19. All elections for directors shall be by ballot, and ^{By ballot.} the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes shall be director or directors, or inspector or inspectors, so as to complete the whole number.

§ 20. If any director shall remove out of the state, or ^{Vacancies.} cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person having the qualifications as to ownership of stock, and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

§ 21. The directors elected, as soon as may be after ^{President.} their election, shall proceed in like manner, to elect one of their number by ballot to be their president.

§ 22. The said corporation shall not commence the business of banking, until the whole of the capital stock shall ^{Banking when to commence.} have been paid to the said corporation, in specie or current bank bills, and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment

has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholder to pay the amount of his shares or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation; and any person guilty of any false swearing in any such oath, shall be subject to the pains and penalties of perjury.

*Calls on
stockholders.*

§ 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation.

Notice thereof.

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the village of Poughkeepsie, and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorize, in case of his default to comply therewith, the forfeiture above provided.

Bills, &c. assignable.

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory upon the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt assigned by the said corporation, by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill, or evidence of debt, purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation.

Dividends.

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable.

Transfers.

§ 27. No transfer of any stock in the said corporation shall be valid, until such transfer shall have been registered in a book to be kept by the directors of such corporation for that purpose; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused, and of any stockholder of the said corporation.

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made. Penalty.

§ 29. If at any time the corporation hereby created, shall neglect or refuse, for ten days, after demand at their banking-house during the regular hours of business, to redeem in specie, any evidence of debt issued by the said corporation, the said company shall discontinue and close all its operations and business, except the securing and collecting of debts due or to become due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations under the section next following. In case of neglect or refusal to redeem notes.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do. Application to chancellor.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon. Damages.

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes, or other evidences of debt of any monied institutions, without the jurisdiction of this state, and which shall be made payable at the said Farmers' and Manufacturers' bank; and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state. Restriction.

§ 33. The said corporation shall possess the general powers of a corporation, as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the sec- General powers.

tion next following, or by this act in respect to the corporation created hereby.

Act of April
2, 1829.

§ 34. The said corporation shall be subject to the provisions contained in the act entitled, "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, and the act amending the same, so far as the same shall be in force at the time of passing this act.

Loans.

§ 35. It shall not be lawful for the said corporation to take an hypothecation of its own stock, as security for making any loan or discount by such corporation.

Amount of
circulation.

§ 36. It shall not be lawful for the said corporation to issue, or have outstanding or in circulation, at any time, an amount of notes or bills loaned or put in circulation as money, exceeding once and a half its capital stock as then paid in and actually possessed.

Right to re-
peal.

§ 37. The legislature may at any time modify, alter or repeal this act or any of its provisions.

CHAP. 190.

AN ACT to incorporate the *Commercial bank of Buffalo.*

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Name.

§ 1. There shall be established in the city of Buffalo, a bank, to be called "The Commercial Bank of Buffalo," whose operations of discount and deposit shall be carried on in the city of Buffalo, and not elsewhere.

Corporation
created.

§ 2. All persons who shall become holders of the capital stock of said bank pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of "The Commercial Bank of Buffalo;" and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-four.

Banking
powers.

§ 3. The said corporation shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt; and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation. Restriction.

§ 6. The capital stock of the said corporation shall be four hundred thousand dollars, to be divided into four thousand shares of one hundred dollars each; and Pierre A. Barker, Robert McPherson, James Stryker, Israel T. Hatch, Charles Gardner, Benjamin Dole and Samuel Russell, are hereby appointed commissioners to receive subscriptions for, and distribute said capital stock. stock.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, at such time and place in said city of Buffalo, as they shall appoint; and shall give at least fourteen days previous notice of such time and place, in one or more of the newspapers printed in said city, and in the state paper. Subscription book.

§ 8. The book for subscription shall be kept open at least three days, for six hours each day; and the sum of ten dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payments shall be made in specie or current bank bills; and no check, draft, or certificate of deposit shall be received. To be kept open three days.

§ 9. If the whole of the capital stock be not taken during the said three days, the commissioners may receive further subscriptions, on such other day or days, and at such place in the city of Buffalo, as they, or a majority of them, shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act. Further subscriptions.

Distribution
of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person, directly or indirectly, or otherwise, in trust, more than fifty shares of such stock, if without such allowance, the whole stock be taken.

Names to be
published.

§ 11. The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the county of Erie, a full and complete statement of all of the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners.

Expenses.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed.

Restriction.

§ 13. No corporation, having banking powers under the authority of this state or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall have become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

Directors.

§ 14. The stock, property and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state; but no person shall be a director, who shall not, at

the time of his appointment, hold on his own account, and not in trust in any manner whatever for any other person, at least ten shares of the stock of the said corporation.

§ 15. The first election of directors under this act, and ^{First election} of three inspectors of the first annual election thereafter, shall be held at such time and place in the city of Buffalo, as shall be directed by the commissioners herein before appointed; and the said commissioners, or a majority of them, are hereby appointed inspectors of such first election; and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed.

§ 16. The directors for every subsequent year, shall ^{Subsequent elections.} be elected on the second Tuesday in June in every year, at such time of the day, and at such place in the city of Buffalo, as the majority of the directors for the time being shall, by resolution to be entered in their minutes, appoint, and shall hold their offices one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied corporation, shall be eligible to the office of director in the corporation hereby created.

§ 17. Public notice of every election under this act ^{Notice.} shall be given by the commissioners or directors not less than fourteen days previous to the time of holding such election, by advertisement to be inserted in a newspaper printed in the county of Erie, and in the state paper.

§ 18. Each stockholder, at the time of the first election ^{Votes.} of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, (including all shares which may be held by any other person in trust for him,) no more than four hundred votes shall be given upon all such shares.

§ 19. All elections for directors shall be by ballot, and ^{By ballot.} the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of said persons so hav-

ing an equal number of votes shall be director or directors, or inspector or inspectors, so as to complete the whole number.

Vacancies.

§ 20. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person, possessing the qualifications as to ownership of stock, and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

President.

§ 21. The directors elected, as soon as may be after their election, shall proceed in like manner, to elect one of their number by ballot to be their president.

Banking when to commence.

§ 22. The said corporation shall not commence the business of banking until the whole of the capital stock shall have been paid to the said corporation, in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made to enable any stockholder to pay the amount of his shares or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation; and any person guilty of any false swearing on any such oath, shall be subject to the pains and penalties of perjury.

Calls on stockholders

§ 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation.

Notice thereof.

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the county of Erie, and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorize, in case of his default to comply therewith, the forfeiture above provided.

Bills, &c. assignable.

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or is-

sued by a private person; and every evidence of debt assigned by the said corporation by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking house of the said corporation.

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable. Dividends.

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book to be kept for that purpose by the directors of such corporation; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession, any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused; and of any stockholder of the said corporation. Transfer.

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made. Penalty.

§ 29. If at any time the corporation hereby created shall neglect or refuse, for ten days after demand at their banking-house, during the regular hours of business, to redeem in specie, any evidence of debt issued by the said corporation, the said corporation shall discontinue and close all its operations and business, except the securing and collecting of debts due or to become due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations, under the section next following. In case of neglect to redeem notes.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the said corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do. Application to chancellor.

Damages. § 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal, until the payment of such evidence of debt and the damages thereon.

Restriction. § 32. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said "Commercial Bank of Buffalo;" and it shall not be lawful for said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state.

General powers. § 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following, or by this act in respect to the corporation created hereby.

Act of April 2d, 1829. § 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, and the several acts amending the same, so far as the same shall be in force at the time of passing this act.

Loans. § 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock, as security for the making any loan or discount by such corporation.

Amount of circulation. § 36. It shall not be lawful for said corporation to issue, or to have outstanding or in circulation at any time, an amount of notes or bills loaned or put in circulation as money, exceeding once and an half its capital stock then paid in and actually possessed.

Right to repeal. § 37. The legislature may at any time alter, modify or repeal this act, or any of its provisions.

CHAP. 191.

AN ACT to incorporate the Clermont academy.

Passed April 26, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Edward P. Livingston, William H. Wilson, Peter Van Buren, James O. Brodhead, Caleb Washburn, Richard H. Dibblee, Jacob Lynk, George A. Sagendorph, John Van Deusen, Henry H. Feller, William Feller, Horace Steevens, Simon Rockefeller, Jacob Ten Broeck, Jacob Poucher, Andrew Hover, Carrol Livingston, Henry N. Bonesteele, John I. Potts, John Lawrence, Philip R. Hicks and their successors, shall be, and they are hereby constituted a body corporate by the name of "The Clermont Academy," to be located in the town of Clermont, in the county of Clolumbia, for the purpose of establishing, maintaining and conducting a seminary of learning, for the education of youth of both sexes; and the persons above named shall be trustees of said corporation.

Corporation created.

§ 2. The said corporation shall have power to purchase, take and hold real and personal estate, to the annual income of six thousand dollars, and to lease, sell or otherwise dispose of the same for the use of said institution.

Real and personal estate.

§ 3. The trustees shall have power to elect the faculty of the institution, form regulations and by-laws, prescribe the course of study, attend examinations, and regulate the government and instruction of the students, and to fill all vacancies that may occur in their board.

Powers of trustees.

§ 4. There shall be twenty-one trustees of the said corporation, a majority of whom shall constitute a quorum for the transaction of business.

Their number.

§ 5. The said corporation shall not be entitled to any share of the literature fund, until it shall have complied with the rules prescribed by, and subjected itself to the visitation of the regents of the university.

Literature fund.

§ 6. The corporation hereby created shall possess the powers, and be subject to the provisions contained in the eighteenth chapter, and first part of the Revised Statutes.

General powers.

CHAP. 192.

AN ACT *authorizing the commissioners of the land-office to sell certain lands in the harbor of Oswego, for the purpose of erecting a marine railway or dry-dock.*

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Land to be sold.

§ 1. The commissioners of the land-office are hereby authorized to sell and convey to any person or persons, so much of the unappropriated land belonging to the people of this state, situate at the water's edge within the piers of the harbor of Oswego, as they shall deem necessary for the construction of a marine railway or dry-dock.

To be surveyed.

§ 2. Said commissioners shall cause said premises to be accurately surveyed, and shall cause the said survey, together with the field notes, and particular description thereof, to be filed in the office of the surveyor-general of this state.

Sale to be at Oswego.

§ 3. Said commissioners shall sell, or may authorize some person to sell, said premises at public auction in the village of Oswego, and may give such notice of the time and place of said sale, and may impose such terms, as to payment and restrictions on the purchaser, as they may deem most beneficial to the interests of the people of this state.

CHAP. 193.

AN ACT *to appoint commissioners to lay out a road from the city of Hudson to the town of Chatham, in the county of Columbia.*

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Commissioners.

§ 1. Samuel Annable, James Mellen and Charles McArthur, of the city of Hudson, are hereby appointed commissioners to lay out a road from the city of Hudson to some point in the town of Chatham, passing through the town of Ghent, in the county of Columbia.

Map and field notes.

§ 2. The said commissioners, or a majority of them, shall cause a map and field notes of such road, when laid as aforesaid, to be filed in the town clerk's office of each of the towns through which it may pass.

§ 3. After filing such map and field notes, and so soon as the commissioners aforesaid shall be satisfied that subscriptions in money and work are obtained, which, together with the ordinary highway labor of the inhabitants on and along the said road, will be sufficient to pay the damages to the owners of lands through which the said road shall pass, they may open and work said road, so as to put it in a convenient condition for travelling; and it shall be the duty of the commissioners of highways of the towns through which the said road may pass, to district the said road, and assess the inhabitants to work thereon, as in the case of common highways; and to direct and cause the said road to be opened and worked in their respective towns, under the direction of such person or persons as a majority in amount of the subscribers to the subscription aforesaid may direct.

Road to
be opened
and worked.

§ 4. So soon as the said road shall be opened and worked as aforesaid, it shall be taken and deemed to be a common highway; and it shall be the duty of the commissioners of highways of the towns respectively through which it may pass, to cause the said road to be worked and kept in repair, in the same manner as other common highways.

To be a com-
mon highway

§ 5. The commissioners above named shall have power to enter upon the lands of all persons lying along the route of said road, with the necessary attendants and surveyors, for the purpose of exploring, surveying and ascertaining the most proper and convenient route for said road.

Lands may
be entered
upon.

§ 6. The damages of the several persons through whose lands the said road shall be laid, shall be appraised by the commissioners above named, on a fair estimate of benefit and injury, and by them settled and paid out of the moneys subscribed and paid for that purpose, before the said road shall be opened; and like notice of opening said road shall be given to those persons through whose land it shall run, as in the case of common highways laid out and to be opened by the highway commissioners of the several towns in this state.

Damages.

CHAP. 194.

AN ACT to incorporate the *Plattekill turnpike company*.

Passed April 28, 1834.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*Corporation
created.

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of "The Plattekill Turnpike Road company," for the purpose of constructing a turnpike road from some convenient point on the Saugerties and Woodstock turnpike road, through the Plattekill clove, so as either to intersect the Cauterskill clove turnpike, or otherwise to continue the same through the town of Lexington to intersect the Windham turnpike road, at the large rock near the bridge across the Batavia creek, in the town of Prattsville, in Greene county.

General
powers.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities of turnpike incorporations, prescribed in the eighteenth chapter of the first part of the Revised Statutes, except so far as shall be inconsistent with the provisions of this act.

Stock.

§ 3. The capital stock of the said corporation shall consist of eight hundred shares, of twenty-five dollars each; and the said road shall be laid out, and its place of beginning and most convenient termination shall be fixed, by George A. Gay, John Kirsted and Levi Myer, who shall be commissioners to open books and receive subscriptions for the stock of this corporation; and after one hundred and fifty shares of the stock shall have been subscribed for, it shall be lawful for the commissioners to give notice of an election of five directors.

Gate.

§ 4. When the said company shall have completed five miles of their road through the Plattekill clove, commencing at the Plattekill at or near the bridge at the entrance into said clove, they shall be authorized to erect a toll gate thereon, and to demand and receive one-half of the rates of toll provided in the next section, for ten miles of road.

Rates of toll.

§ 5. For every ten miles of road completed by this corporation, they may demand and receive at each of their toll gates, from all persons passing the same, tolls not exceeding the following rates: For every score of sheep or hogs, six and one-quarter cents; for every score of cattle, horses or mules, twelve and a half cents, and in like propor-

tion for any greater or less number of cattle, horses, mules, hogs or sheep; for every horse and rider, four cents, and for every horse led or driven, two cents; for every coach, chariot, phaeton, or other four-wheeled carriage or wagon drawn by two horses, twelve and a half cents, and for every additional horse, three cents; for every chaise, sulky, gig, wagon or cart drawn by one horse or other animal, six and one-quarter cents; for every sleigh or sled drawn by two horses or other animals, six and one-quarter cents, and for every additional horse or other animal, three cents; and for every sleigh or sled drawn by one horse or other animal, three cents.

§ 6. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 195.

AN ACT to incorporate the *Manheim and Salisbury rail-road company*.

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Jeremiah Drake, D. B. Winton, Andrew A. Fink, Corporation created. with such other persons as shall associate with them for that purpose, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Manheim and Salisbury Rail-Road Company," with power to construct a single or double rail-road from the Utica and Schenectady rail-road, between Little-Falls and the East Canada creek, to Nicholsville, in the town of Salisbury, at such points and on such route as the majority of the directors of said company shall determine, to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passing of this act.

§ 2. If the said corporation hereby created shall not, Time limited. within two years from the passage of this act, commence the construction of said rail-road or ways, and expend at least the sum of ten thousand dollars thereon, and shall not, within five years from the passage of this act, construct, finish and put in operation the said single or double rail-road, then the said corporation shall thenceforth cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of said company shall be seventy-five thousand dollars, which shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and transferable in such manner as the said corporation shall by by-laws direct.

Subscriptions
to stock.

§ 4. Jeremiah Drake, D. B. Winton, Jacob Powell, Gideon Snell, Luther Pardee, Andrew A. Fink, and E. P. Hurlburt, shall be commissioners; whose duty it shall be, within two years from the passage of this act, at some suitable place in the village of Little-Falls and the city of Albany, and in such other places as they or a majority of them shall direct, to open books to receive subscriptions to the capital stock of the said corporation; and thirty days' public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one of the public newspapers in the counties of Herkimer and Montgomery, and in the state paper; and the said commissioners shall, at the time of any subscription by any person or persons, for the capital stock of said corporation, require the payment to them by the person or persons subscribing, of ten dollars towards and upon every hundred dollars so subscribed; and unless the same shall be paid, the subscription shall be invalid: And in case a greater amount of capital stock shall be subscribed for than the sum of seventy-five thousand dollars, the said commissioners shall distribute the stock, in such manner as a majority of them shall deem most advantageous to the interests of the said corporation; but in case the capital stock of said corporation shall not all be subscribed for, then the said commissioners shall be authorized to reopen the said books, at such other time and places, and in such manner, and after such notice, as they, or a majority of them, shall direct; and whenever the said capital stock shall have been subscribed, and distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days' notice, in a public newspaper in each of the counties aforesaid, and in the state paper, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose thirteen directors: And such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote: And the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and books to the

said directors: And the time and place of holding the first meeting of the directors shall be fixed by the said commissioners: and the said directors shall cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road; and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of the county of Herkimer, which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road, as hereinafter mentioned.

§ 5. The first directors to be chosen, shall hold their offices until the first Monday of June, in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in either of the counties aforesaid, as the said directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Every such election shall be held under the inspection of five stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes given shall constitute a choice. One at least of the said directors shall reside in each of the counties before mentioned. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board: Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election. Directors.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day in which it shall have been held. Election.

§ 7. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this corporation is granted; and may, by their agents, survey- Real estate.

ors and engineers, enter upon and take possession of and use, all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation may apply by petition to the vice-chancellor of the fifth circuit, setting forth therein the necessity of such lands for making said rail-road, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reasons why the purchase cannot be made. And the said vice-chancellor to whom such petition shall be presented, shall direct such notice to the owner or owners of such lands as he shall deem proper and reasonable, of the time and place of hearing the parties, and upon proof of due service of such notice, and upon hearing the parties, he shall appoint three competent and disinterested freeholders, of the county in which the lands are situated, to be commissioners to appraise said lands, and the damages the owner or owners thereof shall sustain by reason of their appropriation to the uses of said company. The said commissioners shall cause due notice, in writing, to be served on said owner or owners, or in case of absence, to be left at his or their usual place of residence, of the time when they will act in the premises. They shall examine the lands; may administer oaths, and hear testimony, and shall make their appraisalment in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, awarding to the owner or owners thereof what they shall deem to be the full value thereof; as also the damages, if any, they may otherwise sustain from the making and maintaining of said road, and report the same, with the testimony taken, to said vice-chancellor. He shall examine the said report, and if required by either, hear the parties in relation thereto, and increase or diminish the damages and valuation if he shall be satisfied that injustice has been done. The commissioners shall be allowed two dollars each day for their services. Upon proof to the vice-chancellor, to be made within thirty days after

his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the vice-chancellor shall direct, of the amount of said damages and valuation, and the payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages, and the mode of making it, and all other facts necessary to a compliance with this act; and when the said order or decree shall be recorded in the office of the clerk of the county in which said lands are situated,, whose duty it shall be to record the same, receiving the usual fees for recording, the said corporation shall be possessed of all such lands or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

§ 8. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the chancellor or vice-chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Rights of infants, and others.

§ 9. The said corporation is hereby authorized to construct, erect, build, make and use, a single or double railroad or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings necessary for the accommodation of their concerns.

Dimensions of road.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road or highway, being betwixt the places prescribed by the first and fourth sections of this act, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water course, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and maintain sufficient fences upon the sides of the route of their single or double rail-road whenever it passes through enclosed lands.

Crossing streams and highways.

Tolls

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received, for transportation of property or persons on the single or double rail-road or ways aforesaid.

Penalty.

§ 12. If any person or persons shall wilfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Calls on
stockholders.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper, published in the city of New-York, in the paper published by the state printer, and in a newspaper in each of the counties herein mentioned.

General powers.

§ 14. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

May join another road.

§ 15. The company hereby incorporated may join their rail-road with the Utica and Schenectady rail-road, at any point between the village of Little-Falls and the East Canada creek, in such manner as may be mutually agreed upon between the said companies.

Id.

§ 16. It shall be lawful for any rail-road company which may hereafter be incorporated, to join and unite with the rail-road company hereby incorporated, at any point at which the directors of the company hereafter to be incorporated may think advisable, on such terms as the directors of the two companies respectively may agree upon: and in case of a disagreement between the directors of the said companies, then upon such terms as the chancellor of this state shall determine to be equitable and just between the said companies.

§ 17. The legislature may at any time alter, modify or Right to re-
peal. repeal this act.

CHAP. 196.

AN ACT *authorizing the appointment of an additional inspector of lumber for the city of Albany.*

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The governor shall nominate, and with consent of Inspector. the senate, appoint an additional inspector of lumber for the city of Albany.

§ 2. The forfeiture imposed by the one hundred and Recovery of
forfeiture. eighteenth section of title second, of chapter seventeenth of the first part of the Revised Statutes, may be sued for and recovered, in the name of any one inspector.

§ 3. This act shall take effect immediately on the pas- Act to take
effect. sage thereof.

CHAP. 197.

AN ACT *to incorporate the Volunteer fire company in the village of Waterford.*

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Teunis Waldron, John F. King, William Platt, Corporation
created. John Vernam, Albert Higgins, with such persons as shall associate with them for that purpose, to be approved of by the trustees of the village of Waterford, shall be, and are hereby constituted a body politic and corporate, in fact and in name, by the name and style of "The Volunteer Fire Company," and shall possess and enjoy the same powers, privileges and immunities, and be subject to the same laws and regulations as the firemen now authorized to be appointed by the trustees of the village of Waterford, except as herein provided.

§ 2. The capital stock of said company shall not ex- Stock. ceed fifteen hundred dollars, and shall consist of thirty shares of fifty dollars each, and shall be deemed personal property, and one share and no more shall be owned and

held by each of the members of said company, who shall in all cases be residents of the town of Waterford; and the said stock shall be paid into the hands of the treasurer of said company, at such times and in such proportions as a majority of the said company at any meeting of said company shall direct, upon pain of forfeiture of such share and all previous payments thereon.

Transfers. § 3. Any share of the stock of said company may be transferred to such person as shall be approved of by a majority of the members of said company, at a public meeting thereof, which transfer shall be duly recorded in a book for that purpose, to be kept by the secretary thereof.

Officers. § 4. The members of said company shall annually on the first Tuesday of May in each year, at such place as a majority of said company shall direct, by plurality of votes elect one of their number to be captain of said company, one other of their number to be secretary of said company, and one other of their number to be treasurer of said company, who shall severally hold their offices for one year; and the captain of said company shall have power to call meetings of said company whenever he shall think proper, for any of the purposes connected with the objects of said company; and shall have the exclusive direction of the fire engine when in use out of the village of Waterford.

By laws. § 5. The said company shall have power and authority to make, ordain and establish, such by-laws and regulations for the good government of said company, to regulate the conduct and duty of their members and officers, the times and manner of holding the meetings of said company, and the preservation and due management of their property, interest and affairs, as to the members of said company shall from time to time seem proper, and shall not be inconsistent with the constitution and laws of the United States and of this state, and may annex such fines and penalties to enforce the due observance and performance of such by-laws and regulations, not exceeding five dollars for each offence, as may be necessary for that purpose; which fines and penalties may be recovered by the captain of said company, in the name of said company, in any court having cognizance thereof, and when recovered shall be appropriated for the purchase, repair or preservation of the engine, apparatus or other necessary property of said company.

Fire engine. § 6. The said company shall, on or before the first day of January next, procure and keep in some suitable place in the village of Waterford, a good and sufficient fire en-

gine, with its necessary tackle and apparatus, to aid in the extinguishment or prevention of such fires as may occur in said village; and in case said company shall not before said day, or shall not for the space of six months thereafter, procure such fire engine, with its necessary tackle and apparatus, in good and sufficient repair, prepared to aid in the extinguishment of fires, the said corporation shall be dissolved, and the powers, privileges and exemptions hereby granted shall thereupon cease and become null and void.

§ 7. As soon as twenty shares of the stock of said com- ^{Meeting.}pany shall be subscribed, it shall be lawful for the persons named in the first section of this act, to call a meeting of said company in the village of Waterford; and organize the same by choosing the officers of said company, giving at least six days public notice of the time and place of such meeting.

§ 8. A certificate under the hand of the captain of said ^{Certificate.}company, shall be competent and sufficient evidence in all places, that the person to whom it is given is a member of the said company, and entitled to all the privileges and exemptions hereby granted to the members thereof.

CHAP. 198.

AN ACT to incorporate the Waterford Academy.

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. William Baker, Nathan Baily, John Cramer, Nicholas B. Doe, John Knickerbacker, Elijah House, John Haswell, Jonathan H. Douglass and John Stewart, and their successors, are hereby constituted a body corporate, by the name and style of "The Waterford Academic Association," to be located in the village of Waterford, in the county of Saratoga, for the purpose of establishing, maintaining and conducting a seminary of learning for the education of youth of both sexes: and the persons above named shall be the trustees of the said corporation. ^{Corporation created.}

§ 2. The said corporation shall have power to purchase, ^{Real estate.} take and hold real and personal estate to the amount of five thousand dollars, and to lease, sell or otherwise dispose of the same, for the use of said institution.

Power of
trustees.

§ 3. The trustees shall have power to elect the faculty of the institution, form regulations and by-laws, prescribe the course of study, attend examinations, and regulate the government and instruction of the students. There shall always be twelve trustees of said corporation; a majority of whom shall constitute a quorum for the transaction of business.

Trustees.

§ 4. The persons named in the first section of this act shall be the trustees until the first Tuesday of January, in the year one thousand eight hundred and thirty-six, and on that day and on the first Tuesday of January in each succeeding year, at such place in the village of Waterford, as the trustees shall appoint, there shall be an election of trustees by the stockholders; when one-third of the whole number shall be elected, the remaining two-thirds shall continue in office the one-half one year, and the other half two years, the same to be determined on the day of election by ballot, so that one-third of the whole number shall be annually elected; the election shall be by ballot, each member, in person or by proxy, to be entitled to one vote for every share of stock by him or her held; but no member shall be entitled to more than ten votes, whatever number of shares he or she may hold.

Literature
fund.

§ 5. The said academy shall be entitled to its share of the literature fund, whenever the regents of the university shall be satisfied the said academy has complied with the requisites which would authorize and induce the regents to incorporate the same.

General pow-
ers.

§ 6. The corporation hereby created, shall possess the powers, and be subject to the provisions contained in the third title of the eighteenth chapter and first part of the Revised Statutes.

CHAP. 199.

AN ACT to incorporate the city of Rochester.

Passed April 28, 1834.

- TITLE 1.—Of the boundaries and civil divisions of the city of Rochester.
- TITLE 2.—Of the officers of the city, their appointment and election.
- TITLE 3.—Of the common council, its powers and duties and the manner of conducting its proceedings.
- TITLE 4.—Of the officers of the city, their powers and duties.
- TITLE 5.—Of the assessment and collection of taxes for city purposes, and of the funds, revenue and expenditure of the city, and the administration thereof.
- TITLE 6.—Of common and other schools.
- TITLE 7.—Of streets, highways, bridges, and public improvements.
- TITLE 8.—Of the prevention and extinguishment of fires.
- TITLE 9.—Of the support of the poor and of persons likely to become chargeable to the city.
- TITLE 10.—Of courts of justice and proceedings therein.
- TITLE 11.—Miscellaneous provisions.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

TITLE I.

Of the boundaries and civil divisions of the city of Rochester.

§ 1. The district of country constituting parts of the towns of Brighton and Gates in the county of Monroe, contained within the limits and boundaries hereinafter described, shall be a city by the name of Rochester. And the citizens of this state from time to time inhabitants within the said limits, shall be a corporation by the name of "The Mayor and Common Council of the city of Rochester," and in addition to the powers hereinafter specially granted, shall possess all the general powers and be subject to all the restrictions and conditions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, except the fifth and sixth subdivision of the first section, and the fifth, ninth, and tenth sections of the said title, which are hereby declared inapplicable to the corporation hereby created.

Limits and-
boundaries
of the city.

§ 2. The territory included within the following limits and boundaries, shall constitute the city of Rochester: Beginning on the bank of the Genesee river at the southeast corner of lot number twenty-four (on the four thousand acre tract) in the town of Gates, and running thence on the south line of said lot north eighty-seven degrees west, seventy-four chains and sixty-three links, to a point on lot number twenty-three, on the said four thousand acre tract, where the east line of lot number one hundred and sixty-nine in township number one, west of the Genesee river, would, if continued, strike the same; thence north three degrees east, two hundred and eighty-four chains and ninety-five links to the line between the towns of Gates and Greece; thence along the north line of the town of Gates south eighty-seven degrees east, to the middle of the Genesee river; thence northwardly down the middle of the Genesee river to a point where the line of the middle of the Ridge-Road on the east side of said river would, if continued on a course south sixty-six degrees and thirty minutes west, strike the same; thence north sixty-six degrees and thirty minutes east, to a point in the middle of Ridge-Road eight chains and seventy-five links distant from the top of the east high bank of the Genesee river; thence south four degrees and thirty minutes west, thirty-three chains, to a point on the north side of the road from Culver's to the village of Clyde, and on the east side of Elisha B. Strong's land; thence south forty-two degrees west, along the line between lands belonging to the state of New-York and Elisha B. Strong and others, twenty-one chains and eighty-four links; thence south nine degrees and thirty minutes west, sixteen chains and sixty-one links, to the south corner of John T. Trowbridge's land; thence south forty-five minutes west, thirty chains and sixty-nine links, to the line between townships numbers thirteen and fourteen in the seventh range of townships of Phelps and Gorham's purchase; thence south eighty-nine degrees and thirty minutes east, along the north line of lots numbers seventy-two and seventy-one, and part of sixty-five in said township number thirteen, one hundred and nine chains and eighty links, to a stake on the north line of said lot sixty-five, marked "City;" thence south three degrees west, one hundred and thirteen chains and eighty-seven links, to the southwest corner of William Pitkin's farm on the north side of the Pittsford road; thence along the north side of the Pittsford road south sixty-eight degrees and thirty minutes east, twenty chains and sixty-seven links, to the west side of the Goodman road; thence south twenty-four degrees and thirty minutes west, one hundred and seven chains and sixty-five links,

to the southeast corner of lot number sixty in township number thirteen aforesaid; thence south eighty-nine degrees and thirty minutes west, along the south lines of lots numbers sixty and nineteen in said township number thirteen, to the bank of the Genesee river; thence across said river to the place of beginning; and the bed of the said Genesee river within the aforesaid boundaries.

§ 3. From and after the passage of this act, the territory described in the last preceding section, shall cease to form any part of the towns of Gates or Brighton; and all the remaining parts of the said towns of Gates and Brighton respectively, shall be and remain separate towns by the names of Gates and Brighton respectively.

§ 4. The said city shall be divided into five wards, as follows:

1. All that part of the said city bounded on the north by Mumford, Anne and Allen-streets: west and south by the Erie canal, and east by the centre of the Genesee river, shall constitute the first ward.

2. All that part of the said city lying west of the centre of the Genesee river, and north of the said first ward and part of Buffalo-street west of the said Erie canal, shall constitute the second ward.

3. All that part of the said city lying west of the centre of Genesee river and south of the Erie canal and Buffalo-street, shall constitute the third ward.

4. All that part of the said city lying east of the centre of the Genesee river and south of Main-street, shall constitute the fourth ward.

5. All the remaining part of the said city lying east of the centre of the said Genesee river and north of Main-street, shall constitute the fifth ward.

§ 5. Whenever a street, canal, or river, is mentioned in this title as a boundary of the said city, or of any ward therein, the centre of such street, canal, or river, shall be deemed to constitute the boundary line.

§ 6. The compact part of the city which is inhabited, shall constitute the lamp and watch district, and the limits thereof shall be declared by the common council, within one month after the first Monday of June next, and within one month after each annual election of aldermen and assistants; such declaration shall be entered on the minutes of the common council, and shall be published for four weeks, once in each week, in two newspapers printed in the city.

§ 7. School districts shall also be laid out and altered by the common council, as hereinafter directed.

TITLE II.

Of the officers of the city, their appointment and election.

Officers of
the city.

§ 1. The officers of the city shall be one mayor, one recorder, five aldermen, five assistant aldermen, five justices of the peace, five constables, five supervisors, one assessor for each ward, one or more collectors of taxes and assessments, as the common council shall from time to time direct: one treasurer, one clerk of the city, one marshal, one chief engineer, and two assistant engineers of the fire department, ten fire wardens, an attorney and counsel to the common council, one or more inspectors of streets and highways, as the common council shall from time to time direct, not exceeding twelve, and not less than five inspectors of common schools; one or more city superintendents, and so many surveyors, measurers of cord-wood, fuel, coal, grain, and lime, weighers of hay, gaugers, common criers, keepers of alms-house and penitentiary, examiners and inspectors of weights and measures, pound masters, and sextons or keepers of burial grounds, as the common council shall from time to time direct.

Mayor.

§ 2. No person can be chosen mayor, unless he be an elector and resident of the city; and no person can be chosen alderman, assistant alderman, assessor, constable or fire warden, unless he be an elector and resident of the ward for which he shall be elected.

To be elected

§ 3. The mayor shall be elected by the common council, and shall hold his office until the first day of January succeeding his election, and until a new mayor be chosen in his place, and shall have been duly qualified.

By common
council.

§ 4. At the meeting of the common council, at which the election of mayor shall be had, the recorder shall preside, who shall only have a casting vote when the votes of the other members are tied. The election shall be by the votes of the aldermen and assistants, and the person having the greatest number of votes shall be deemed elected.

First election

§ 5. On the second Monday in June next, the persons who shall have been elected aldermen and assistants of the said city, together with the recorder, shall assemble at the court-house in Rochester, at twelve o'clock at noon, for the purpose of choosing a mayor. The common council shall also appoint a clerk to the meeting, and being thus organized, they shall proceed to ballot for a mayor for the present year, and who shall hold his office until the first day of January next, and until a new mayor shall be chosen and qualified.

§ 6. During the month of December in the present year, and in each succeeding year, the common council, at a meeting or meetings which shall have been previously appointed for that purpose, shall proceed to ballot for a mayor for the ensuing year, and the person thus elected, shall enter upon the duties of his office on the first day of January succeeding his election. Future elections.

§ 7. The recorder shall be appointed in the manner provided in the constitution for the appointment of judges of county courts; shall hold his office for the same term and by the like tenure, and shall be subject to removal in the same manner. By virtue of his office he shall be supreme court commissioner. He shall not, during his continuance in office, hold any office under the appointment of the common council. No person shall be appointed recorder unless a counsellor of the supreme court. Recorder, how to be appointed.

§ 8. One alderman, one assistant alderman, one assessor, and one constable, shall be chosen by the electors of each ward, on the second Monday of June next, and on the same day in each year thereafter. They shall hold their offices for one year. Aldermen, assessors and constables.

§ 9. A chief engineer and two assistant engineers of the fire department, shall be annually chosen by the fire wardens, firemen, hook and ladder men, tub and hose men then in office, at such time, and under such regulations as the common council shall by ordinance prescribe, who shall appoint inspectors of such election, and direct the manner of certifying the result. The chief engineer and the assistant engineers shall hold their offices for one year. Within ten days after such result shall be so certified, the common council may dissent from the same, either in whole or in part, and may direct a new election for such of the officers as shall not be affirmed, which shall be conducted, and the result certified in the same manner as at the first election, and the result thereof shall in like manner be subject to the approbation of the common council. The chief engineer and the assistant engineers, who shall be so elected and affirmed, shall hold their offices for one year, and until others be chosen, affirmed and qualified. Engineers of fire department.

§ 10. Three supervisors shall be chosen by the electors of the city at the same time provided for the election of aldermen. They shall hold their offices for one year. Supervisors.

§ 11. A city treasurer, and attorney and counsel to the common council, a clerk of the city, a marshal, one or more collectors of taxes and assessments, one or more inspectors of streets and highways, not exceeding twelve Treasurer, attorney and other officers.

and not less than five inspectors of common schools, one or more city superintendents, one or more city surveyors, measurers of cord-wood, fuel, coal, grain and lime, weighers of hay, gaugers, common criers, keepers of the almshouse and penitentiary, examiners and inspectors of weights and measures, pound masters and sextons, or keepers of burial grounds, ten fire wardens, shall be appointed annually by the common council, and shall hold their offices during the pleasure of the board.

Justices of
the peace.

§ 12. The common council shall appoint one justice of the peace in each ward: they shall hold their offices for four years. Every justice appointed for any ward, shall reside and keep his office in such ward, and in that ward only, and shall not be authorized to try any cause, or render any judgment in a civil action out of his ward. But for all other purposes, the said justices shall be deemed officers for the city of Rochester, in the same manner as if they had been elected by the whole city; and shall have the same jurisdiction in the said city, that justices of towns have by law in respect to the towns for which they have been elected.

Inspectors of
first election.

§ 13. The present trustees of the village of Rochester shall appoint the time and a suitable place in each of the wards of the said city, for the holding of ward elections, and they shall also appoint three electors of each ward, to be inspectors of the said elections in their respective wards; which appointment shall be published in at least two of the newspapers of the village once before the said elections.

Inspectors of
future elec-
tions.

§ 14. The common council shall, at least three days before the time of holding any ward election, appoint a suitable place in each ward for the holding of such election, and shall at the same time choose, from the electors actually resident in each ward of said city, three persons as inspectors of such election; but no alderman, assistant alderman, or any person holding any office under the common council shall be chosen such inspector. In case of the death or inability of either of such inspectors to act, the common council may thereafter appoint another in his place: notice of every such election shall be published in two of the newspapers of said city, at least once before such election.

Board of in-
spectors.

§ 15. The inspectors of elections so appointed, shall meet at the time and place appointed for holding ward elections, and shall organize themselves as a board, in the manner prescribed in the fourth title of the sixth chapter and first part of the Revised Statutes. The inspector

first named in the order of appointment, shall be chairman.

§ 16. The inspectors shall appoint two clerks of the polls, who shall take the constitutional oath of office, to be administered by the chairman. Clerks of the polls.

§ 17. The poll shall be kept open for one day only, between nine o'clock in the forenoon and the setting of the sun, but may be closed at any time after three o'clock in the afternoon, if the inspectors shall have given one hour's previous notice of the time when the same shall be so closed. Poll, how long to be kept open.

§ 18. The electors shall vote by ballot, so folded as to conceal the contents. On each ballot shall be written or printed the words "city officers," or "supervisors;" but no ballot found in the proper box shall be rejected for want of such endorsement. Ballots.

§ 19. The ballot endorsed "city officers," shall contain the names of the persons designated by the elector for the offices of aldermen, assistant aldermen, assessor and constable, any or either of them, with the name of the office for which such person is designated. City officers.

§ 20. The ballot endorsed "supervisor," shall contain the name of the persons designated by the elector, for the office of supervisor. Supervisors.

§ 21. Every person entitled to vote for members of assembly in the village of Rochester, when this act shall become a law, and every person so entitled to vote in those parts of the towns of Brighton and Gates which are included in the said city, and every person so entitled to vote in the city of Rochester at any ward election thereafter, who shall have been a resident of the said village, or said parts of Brighton and Gates, or city, for the last six months preceding such election, shall be entitled to vote in the ward in which he resides, for all or any of the officers to be chosen at such ward election. Persons entitled to vote.

§ 22. Persons offering to vote at such elections may be challenged in the same manner as at a general election for state officers, and the same proceedings shall be had thereon as are prescribed by law in relation to such elections; and the same oath shall be administered to the person challenged except that instead of swearing or affirming that he has been "for the last six months a resident of this county," he shall at the first election under this act, swear or affirm that he has been for the last six months a resident of the village of Rochester, or of the said parts of Brighton and Gates, and at any subsequent election he Persons offering to vote may be challenged.

shall swear or affirm that he has been for the last six months a resident of the city of Rochester.

Ballot-boxes. § 23. At the first and every subsequent ward election under this act, the inspectors shall provide, at the expense of the city, two boxes, one of which shall be entitled "the city officers' box," another "supervisor's box," which shall be constructed and provided with locks and keys, and sealed at every adjournment of the election, in the manner provided by law in respect to elections for state officers.

Elections how to be conducted. § 24. Such elections shall be conducted in the manner prescribed by law for the election of state officers, and the inspectors shall have the same authority in all respects as the inspectors of such elections of state officers. They shall proceed in like manner to canvass the votes given at such elections, and therein shall be governed by the provisions of law respecting the elections of state officers, except that only one statement of the result of such election shall be drawn up and signed by the inspectors, which at the first election to be held under this act, shall be immediately delivered to the clerk of the trustees of the village of Rochester, to be filed by him, and at every subsequent election shall be immediately delivered to the clerk of the city to be filed by him.

First canvass § 25. The present trustees of the village of Rochester shall meet at the court-house in that village, on Tuesday next after the first Monday in June next, at four o'clock in the afternoon, to canvass and estimate the votes given at the different ward elections in the said city on the said first Monday of June next.

Statements of votes. § 26. The original statement of the votes filed with him by the inspectors of elections, shall be produced by the clerk of the said trustees, and from it the said trustees shall proceed to estimate and state the number of votes given at the said election for the different officers then to be chosen.

To be certified, § 27. In such statement, the whole number of votes given, and the number of votes to each shall be written out in words at full length; and the said board shall thereupon determine and certify what persons have, by the greatest number of votes, been duly elected to each of the offices mentioned in such statement; which determination shall be expressed in such statement, and shall be certified and attested by the trustees respectively, who shall make such determination.

And filed. § 28. Such statement and certificate shall be immediately filed in the clerk's office of the county of Monroe,

and a copy thereof shall be published in two newspapers of the city.

§ 29. The persons so declared to be elected, shall, after taking the oath of office prescribed by the constitution, enter upon the duties of their respective offices, upon the second Monday of June next thereafter. Officers to take oath.

§ 30. The common council of the city of Rochester shall be the board of canvassers of all ward elections, after the first election which shall be held under this act, and for that purpose shall convene on the day after every such election, and the statements of votes filed with the clerk of the city by the inspectors of election, shall be produced to the common council by the clerk. The common council shall proceed to canvass and estimate the said votes in the same manner herein directed with respect to the first election; and shall in like manner make out and certify their determination, which shall be signed by all the members concurring in the same, and shall be filed with the clerk of the county of Monroe. Board of canvassers.

§ 31. If at the first, or any subsequent election authorized by this act, any officer shall not have been chosen, by reason of two or more candidates having received an equal number of votes, a special election shall be ordered by the board of canvassers authorized to determine on the election of the officer so omitted to be chosen. Special election may be ordered.

§ 32. Such board shall, without delay, appoint a time and place for the holding of a special election, which shall be not more than fifteen days, nor less than five days from the time of such appointment; and they shall cause to be delivered to the inspectors of the last preceding election, in the ward where such officer was omitted to be chosen, a notice signed by them specifying the officer to be chosen, and the day and place at which such election is to be held. Time and place to be fixed.

§ 33. Such notice shall also be published in two newspapers of the city, at least once before such special election. Notice.

§ 34. The inspectors to whom such notice shall be delivered, shall, at the time and place appointed, open and hold an election in their ward for the choice of the officer or officers designated in such notice; and shall proceed therein in all respects as herein directed in case of an annual election; they shall in like manner canvass and make a statement of the votes given, and shall file the same with the clerk of the city. How to be held.

§ 35. The common council of the city shall, from the statement so furnished, canvass and estimate the votes given, and determine and certify what persons have by the

greatest number of votes, been elected to the offices, for the filling of which such special election shall have been ordered, in the same manner as herein prescribed in relation to a general election; which certificate shall be filed with the clerk of the county of Monroe.

Rights of persons elected.

§ 36. The person so selected, shall, after taking the oath of office, enter upon the duties of the office, and shall hold the same until the Tuesday succeeding the next annual election.

Vacancies.

§ 37. Whenever a vacancy shall occur in the office of an alderman, assistant alderman, or assessor, by his refusal or neglect to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, the common council of the city shall immediately appoint a special election, to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment.

Inspectors of election.

§ 38. Inspectors of such elections shall be appointed by the common council, and notice thereof shall be given in the same manner as in the case of an annual election; and the same shall be conducted and held, the votes shall be canvassed, statements thereof made and filed, and the result of the election determined in the same manner as herein directed in the case of an annual election; and the persons so elected, shall hold their offices for the unexpired term of those who were first elected.

Vacancies in common council.

§ 39. In case any such vacancy shall occur in the said offices of alderman, assistant alderman, or assessors, within three months before the first Monday in June in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Constables and fire wardens.

§ 40. In case a vacancy shall occur in the office of constable, or fire warden, in any ward, by any of the means herein before enumerated, as producing a vacancy in the office of alderman, the common council may appoint suitable persons, being electors and residents of the ward for which they shall be appointed, to fill such vacancy.

Supervisor.

§ 41. Should a vacancy occur by any of the means aforesaid, in the office of supervisor, the common council may in their discretion, direct a special election to be held in the several wards to fill such vacancy.

Proceedings.

§ 42. The same proceedings for that purpose shall be had as in case of vacancy in the office of alderman: The

election shall be conducted in each ward in the same manner. The votes shall be canvassed, statements filed, and the determination of the result made known and certified in the same manner, and by the same persons, as at an annual election.

§ 43. Upon the determination of the board of canvassers of the result of the election herein before directed to be held on the first Monday of June next being made, it shall be the duty of the clerk of the trustees of the village of Rochester, immediately to notify every person elected, of his election; and upon the determination of the board of canvassers of the result of any subsequent election being made, it shall be the duty of the clerk of the city, immediately to notify the persons so elected of their election; and he shall in like manner notify the chief engineer and assistant engineers of their election, and shall also notify all persons appointed to any office by the common council of their respective appointments, immediately on the same being made.

Clerk to notify persons elected.

§ 44. Every person elected or appointed to the office of mayor, alderman, assistant alderman, justice of the peace, assessor, constable, collector, supervisor, treasurer, city clerk, or marshal, in the city of Rochester, shall, before he enters on the duties of his office, and within five days after, being personally notified of such election or appointment, take the oath of office prescribed by the constitution of the state, before some officer authorized to take affidavits to be read in courts of justice, and file the same with the clerk of the trustees of the village of Rochester, or with the clerk of the city of Rochester. Such of the said officers as shall be elected or appointed before a clerk of the said city shall have been appointed, shall file the said oaths with the clerk of the trustees. Those elected or appointed after the appointment of a city clerk, shall file such oaths with the clerk of the city.

Certain officers to take oath.

§ 45. Every person chosen or appointed to the office of chief engineer, assistant engineer, fire-warden, attorney and counsel to the common council, inspector of streets and highways, inspector of common schools, or any other office to which he shall be appointed by the common council of the said city, except those enumerated in the last section, before he enters on the duties of his office, and within five days after being personally notified of his election or appointment, shall cause to be filed in the office of the city clerk, a notice in writing, signifying his acceptance of such office.

Others to file notice of acceptance.

§ 46. If any person chosen or appointed to any office specified in the two last sections, shall not take and sub-

Those who refuse to serve.

scribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, such neglect shall be deemed a refusal to serve.

Collectors to
give bond.

§ 47. Every person appointed collector, before he enters on the duties of his office, and within ten days after being notified of his appointment, shall execute to the mayor of the city and lodge with said mayor, a bond with two or more freeholders of lands in the county of Monroe, as sureties, to be approved of by such mayor, in such penalty as the said mayor shall direct, conditioned for the faithful execution of his duties as such collector; and before any warrant for the collection of taxes that shall have been issued by the board of supervisors of the county of Monroe, shall be delivered to any such collector, he shall execute an additional bond to the supervisors of the said city, with two or more sureties to be approved by them, in a penalty double the amount of the taxes directed to be collected by such warrant, conditioned that he will faithfully collect such taxes and pay over the same according to law, which bond shall be delivered to one of the said supervisors.

Bond to be
filed with
county clerk.

§ 48. The mayor and supervisor to whom such bonds shall have been delivered, shall, within six days thereafter, file the same, with the approbation herein required, endorsed thereon, in the office of the clerk of the county of Monroe.

Clerk to
make entry.

§ 49. The said clerk shall cause entry of such bond to be made in the book provided for entering the bonds of town collectors, and in the same manner, and every such bond shall be a lien on the real estate of the said collector and his sureties, in the same manner and to the same extent as provided by law in relation to the bonds of town collectors; and in case of any breach of the condition of such bonds, or either of them, suits may be maintained thereon, in the name of the mayor, to whom they were given, or of his successor in office, and by the supervisors to whom they were given, or their successors in office.

Liability of
collector and
sureties.

§ 50. Such collector and sureties shall also be liable to the same proceedings to enforce the payment of money collected on any warrant issued by the supervisors of the county, as are provided by law in respect to town collectors.

Collector
may be re-
moved.

§ 51. In case such collector shall refuse or neglect for ten days after being notified of the amount of taxes directed to be collected by the warrant of the supervisors of the county, to give the bond herein required, such neglect or refusal shall be immediately reported by the su-

pervisors of the city, to the common council, who shall immediately remove such collector from office, and appoint another in his place.

§ 52. If such collector shall neglect to execute the bond herein required, within the time limited for that purpose, such neglect shall be deemed a refusal to serve. Neglect deemed a refusal to serve.

§ 53. Every person chosen or appointed to the office of constable in the said city, before he enters upon the duties of his office, and within ten days after he shall have been notified of his election or appointment, shall execute in the presence of the mayor of the city, and one of the aldermen thereof, with two or more sureties, to be approved by the said mayor and alderman in writing, an instrument in writing, by which such constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay on account of any execution or distress warrant which shall be delivered to him for collection. Constables to give security.

§ 54. Such instrument, with the approbation of the said mayor and alderman endorsed thereon, shall be filed with the clerk of the city; and a copy thereof certified by such clerk, shall be presumptive evidence of the execution thereof by such constable and his sureties. Instrument to be filed.

§ 55. The same proceedings shall be had on such instruments by any person entitled to prosecute the same, and within the same time as provided by law in respect to similar instruments executed by constables of towns. Prosecution.

§ 56. Every person appointed to the office of marshal of the said city, before entering on the duties of his office, and within ten days after being notified of his appointment, shall execute with two or more sureties to be approved by the mayor of the said city, a joint and several bond to the people of this state, in the penal sum of five thousand dollars, conditioned for the faithful execution of the duties of the said office by such person during his continuance in the same. Marshal to give bond.

§ 57. At the time of the execution of such bond, the said mayor shall administer to each of the said sureties an oath that he is a freeholder of lands in this state, and is worth such sum as shall be ascertained by dividing the penalty of such bond by the number of sureties bound thereby, over and above all debts whatsoever owing by him, which oath shall be endorsed on said bond, and subscribed by such sureties in the presence of the said mayor, who shall, notwithstanding, judge of and determine the competency of such sureties. Oath of sureties.

Bond to be
filed.

§ 58. If such sureties are approved by the said mayor, he shall make an endorsement to that effect on the said bond, and shall file the same with the clerk of the city.

Prosecution.

§ 59. Proceedings for the prosecution of any such bond, may be had in the cases and the manner directed by law in respect to official bonds of sheriffs, except that application for that purpose may be made to the mayor's court of the city of Rochester, and each suit may be brought in such court, who shall proceed therein in the manner directed by law in respect to suits on sheriffs' bonds.

Treasurer to
give bond.

§ 60. Every person appointed to the office of treasurer of the said city, before entering upon the duties thereof, and within ten days after being notified of his appointment, shall execute a bond to the mayor and common council of the city of Rochester, with two or more sureties, being freeholders of lands within the county of Monroe, to be approved by the mayor of the city, in such penalty as shall have been directed by the common council of the said city, conditioned for the faithful execution of the duties of his office, and that he will pay over according to law, and the ordinances of the said common council, all moneys which shall come to his hands as such treasurer, and render a just and true account thereof to the said common council when thereunto required.

To be filed.

§ 61. Such bond, with the approbation of the said mayor or endorsed thereon, shall be filed with the clerk of the said city.

Neglect
deemed a re-
fusal to serve

§ 62. If any constable, marshal or treasurer of the said city, shall neglect to execute any bond or other instrument herein required, within the time for that purpose limited, such neglect shall be deemed to be a refusal to serve.

Fines for re-
fusal to serve

§ 63. If any person chosen to any one of the following offices shall refuse to serve, he shall forfeit to the mayor and common council the following sum:

1. If chosen to the office of alderman or supervisor, he shall forfeit twenty-five dollars by such refusal.
2. If chosen to the office of assistant alderman or assessor, he shall forfeit by such refusal, ten dollars.

Id.

§ 64. If any person, appointed to any one of the following offices, shall refuse to serve therein, he shall forfeit to the mayor and common council of the said city, the following sums:

1. If appointed inspector of common schools, inspector of streets and highways, fire warden, inspector and examiner of weights and measures, he shall forfeit, by such refusal, ten dollars.

2. If appointed to any other office than such as are herein before enumerated, he shall forfeit, by such refusal, five dollars.

§ 65. On the fourth Monday of June next, the clerk of the trustees of the village of Rochester shall deliver to the common council, who shall have been elected as herein provided, a list of all the persons who shall have been elected to any office in the city of Rochester, specifying the offices to which they shall have respectively been elected, and designating those who have filed with him the oath of office prescribed by law, and those who have neglected to file such oath, to the end that the common council of the said city may take the measures necessary to supply any vacancies occasioned by such neglect.

§ 66. At the expiration of ten days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall, in like manner, deliver to the said common council a list of the persons elected or appointed, and of the offices to which they are chosen, therein specifying such as shall have filed with him the oath of office required by law, and such as shall have omitted to file the same within the time herein prescribed, to the end that the necessary measures may be taken to fill the vacancies occasioned by such omission.

§ 67. The mayor shall report to the common council the names of such collectors and constables as shall have neglected to give the bond and security required by law.

§ 68. It shall be the duty of the common council to direct suits to be brought for the recovery of all penalties incurred by the refusal of any person to serve in any office to which he shall have been elected or appointed in the said city.

§ 69. Resignation by any officer authorized to be chosen or appointed by this act, shall be made to the common council of the city, subject to their approval and acceptance: and if not approved by them, the person so resigning any office, shall be liable to the same penalty herein before prescribed for refusing to serve in such office.

§ 70. The common council shall have power at any time to remove any officer appointed by them, and to appoint another in his place; and they shall also have authority to remove any constable elected to office, for misconduct in the same, after giving to the person accused, notice of the charge against him and an opportunity of being heard in his defence.

TITLE III.

Of the common council; its powers and duties, and the manner of conducting its proceedings.

Meetings of
common
council.

§ 1. The mayor, recorder, aldermen and assistants of the said city, shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint, and on special occasions whenever the mayor or recorder (in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate,) shall by written notice appoint, and which shall be served on the members in such manner and for such time as the common council may by ordinance direct.

Mayor to
preside.

§ 2. The mayor, when present, shall preside at the meeting of the common council; in his absence the recorder shall preside.

Votes.

§ 3. In the proceedings of the common council, each member present shall have a vote, except the mayor or recorder, when presiding, who shall only have a casting vote, when the votes of the other members are tied.

Sittings to be
public.

§ 4. The sittings of the common council shall be public; and the minutes of the proceedings shall be kept by the clerk, which shall be open to public inspection.

Ayes and
noes.

§ 5. Whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding, or proposition had, at any meeting, shall be entered at large on the minutes; and such votes shall also be so entered, in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of the said city, or involving the appropriation of public moneys.

Quorum.

§ 6. A majority of the common council shall be a quorum for the transaction of business, and the board shall prescribe rules for its proceedings.

Members not
to hold cer-
tain offices.

§ 7. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor from receiving any salary which may be fixed by the common council, nor to deprive any alderman or assistant of any emoluments or fees to which he may be entitled by virtue of his office.

§ 8. The common council shall have power to pass and By laws. enact such by-laws and ordinances for the good government and order of the city, for the preservation of peace and good order, for the suppression of vice, and for the benefit of the trade and commerce, and health thereof, as they shall judge expedient, not repugnant to the general laws of the state; and for those purposes shall have authority,

1. To make such orders, regulations and provisions concerning the corporate property of the city, its public buildings, and its rights and interests, as they shall deem expedient and necessary for the preservation and maintenance thereof; to regulate the police of the city; to preserve the public peace, and prevent riots, disturbances, and disorderly assemblages; to appoint watchmen, to prescribe their powers and duties, and to prescribe fines and penalties for their delinquencies; to restrain vagrants, mendicants, and other persons soliciting alms or subscriptions for any purpose whatever; to suppress and restrain disorderly and gaming-houses, billiard tables, and other devices and instruments for gaming; to prevent the vending of liquors to be drank in any canal boat, or other place not duly licensed; to prevent and punish immoderate riding or driving in any street; to abate or remove nuisances; to prohibit bathing in any public water within the city; to prevent the incumbering the streets, side-walks, walls, alleys or slips, in any manner whatever; to provide for clearing the Genesee river of drift wood, and other obstructions; to regulate the keeping and carrying of gun-powder and other combustible materials. Relative to public buildings, &c.

2. To establish, alter, and regulate markets; to regulate Markets. the vending of meats, vegetables and fruits, pickled and other fish, and to prescribe the time and place of selling the same, and of weighing and selling hay; and to regulate the measuring, weighing and sale of coal, cord-wood and other fuel, lumber, shingles, salt, lime, fish, iron, or any other commodity exposed or intended to be exposed to sale in the said city; to provide for and regulate the gauging of all casks and other vessels containing liquids sold or intended to be sold in the said city.

3. To establish and regulate one or more pounds, and Pounds. to restrain and regulate the running at large of horses, cattle, dogs, geese and swine, and to impose taxes on the owners of dogs.

4. To regulate cartmen and cartage, porters, hackney Cartmen, &c. carriages and their drivers; to limit their fees and compensation; to prevent runners, stage-drivers and others, from soliciting passengers and others to travel in any boat or stage; to regulate pawn-brokers; to light the streets of

the city; to establish and preserve wells and cisterns, and prevent the waste of water.

Bills of mortality. 5. To regulate the burial of the dead, and to compel the keeping and return of bills of mortality.

Bonds and securities. 6. To prescribe the bonds and securities to be given by the officers of the city for the discharge of their duties, in cases where no provision for that purpose is made by law.

Streets. 7. To ascertain, establish and settle the boundaries of all streets and alleys in the said city, and to prevent and remove all encroachments thereon.

Highways. 8. To exercise all other powers conferred on them by this act in relation to highways, common and other schools, the prevention of fires, the levying of taxes, the supplying the city with water, and other subjects of municipal regulation.

Penalties. § 9. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding fifty dollars, for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the penitentiary or county jail, for any term not exceeding thirty days, which penalties may be sued for and recovered with costs in the name of the mayor and common council of the city of Rochester. And the common council may subject the parent or guardian of any minor, or the master or mistress of any apprentice or servant, to any such penalty for any such offence committed by such minor, apprentice or servant.

Ordinances when to take effect. § 10. No ordinance of the common council, imposing a penalty, shall take effect until the expiration of at least three days after the first publication thereof in a newspaper in the said city. A record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication.

Licenses to tavern keepers. § 11. The common council may authorize the mayor, or any other proper officer of the corporation, to grant licenses to tavern-keepers, grocers and keepers of ordinaries, or victualling-houses, to sell wine and liquor, in the manner prescribed by the Revised Statutes of this state, and may direct the manner of issuing, countersigning and registering such licenses, and may fix the fee to be paid therefor, at any sum not less than five dollars, nor more than fifty dollars; and the sum to be paid to the mayor or other officer, for granting such license, not exceeding one dollar. The bonds to be taken on granting such licenses, shall be the same as are prescribed by the ninth title of the twentieth chapter of the first part of the Revised

Statutes: they shall be filed; may be prosecuted, and the moneys collected shall be applied as directed in that title: and the persons receiving such licences shall be in all respects subject to the provisions of the said title.

§ 12. The mayor, together with any alderman of the city, may hear, in a summary way, any complaint against any person to whom a license may have been granted to sell wine or liquor, for any violation of the laws of the state or the ordinances of the corporation, and may compel the attendance of witnesses in the hearing of such complaint, in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license, or suspend the same for any certain time.

Hearing of complaints.

§ 13. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the person complained of; and such person may appeal from the determination of the mayor and alderman within forty-eight hours after the same shall have been made, to the common council, who shall have power to reverse or affirm the same; but such appeal shall not suspend or in any manner affect such determination, until the decision of the common council thereon.

Notice to be given.

§ 14. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license, affected by such determination, either personally, or by leaving the same at his or her usual place of abode; and from the time of such service, such license shall be deemed to be annulled or suspended, according to the tenor of such determination, until the same shall be reversed by the common council.

Determination to be filed.

§ 15. The common council may authorize the mayor to license cartmen, hackney carriages, truckmen, porters and chimney-sweeps, and may prescribe the terms and conditions on which such licenses may be granted, and when and how forfeited, and may prescribe the fees to be paid into the city treasury on the granting of such licenses.

Licenses to cartmen, &c.

§ 16. The common council shall establish and keep as many markets in the said city as they shall deem expedient; and shall regulate the same by ordinances, and prescribe the number of butchers to be licensed by the mayor, the terms on which the same shall be granted, and by what officers, and in what cases they may be revoked or suspended.

Markets.

§ 17. The common council may establish a bridewell or house of correction in the said city, and may pass all

Bridewell

necessary ordinances for the regulation thereof; may appoint a keeper, and as many assistants as shall be necessary, and shall prescribe their duties and compensation, and the securities to be given by them.

Persons to be confined therein.

§ 18. In the said bridewell or house of correction, shall be confined all rogues, vagabonds, stragglers, idle or disorderly persons, who may be committed thereto by the mayor, or any alderman as justice of the peace in the said city; and all persons sentenced by any criminal court in the said city, or by the court of oyer and terminer or general sessions of the peace of the county of Monroe, for any assault and battery, petit larceny, or other misdemeanor, punishable by imprisonment in a county jail, shall be kept therein in the same manner as prisoners of that description are required to be kept in county jails.



Sealers of weights and measures.

§ 19. The common council may appoint one or more sealers of weights and measures for the said city, who shall possess the like powers, and be subject to the like obligations as the sealers of the several towns of this state; and to whom, on application for that purpose, the county sealer of weights and measures for the county of Monroe shall furnish copies of the standards in his office at the expense of the said city.

Sealing of weights and measures.

§ 20. The common council may, by ordinance, require every merchant, retailer, trader and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, and may impose penalties for any violation of any such ordinances.

Public notaries.

§ 21. The number of notaries public to be appointed in the said city shall be determined by the common council, in the manner prescribed in the first title of the fifth chapter, part first of the Revised Statutes, and a copy of such determination shall be transmitted, and such appointments shall be made in the manner prescribed in the said title in respect to those officers in cities. The first determination shall be made on or before the first day of January, eighteen hundred and thirty-five, and the subsequent determinations shall be made once at the end of every two years thereafter.

Commissioners of deeds.

§ 22. Two commissioners of deeds shall be appointed in the said city in the same manner that commissioners of deeds are now required to be appointed in other cities of this state by the Revised Statutes, and shall hold their offices for two years, and shall possess all the powers and authority of commissioners of deeds appointed in the towns

of this state by the judges of county courts and the boards of supervisors, and may be removed in the same manner.

§ 23. The common council shall in like manner determine annually the number of auctioneers to be appointed in the said city, and shall transmit such determination to the governor, and no appointment of auctioneers for the said city shall be made, beyond the number expressed in such determination. Auctioneers.

§ 24. The common council shall determine the salaries or compensation to be given to the mayor, treasurer and clerk of the city, and of any other officer appointed by them, and at what times the same shall be payable; and they shall fix the compensation of the collectors of taxes in the said city, for collecting the county as well as the city taxes and assessments. Salaries of officers.

§ 25. The common council shall appoint at least three inspectors in each ward, designating which of the said inspectors shall be chairman, to hold and conduct general and special elections, for state and county officers, elective by the people, and for members of congress, and electors of president and vice-president, at least ten days before any such election; which inspectors shall possess all the powers, perform all the duties, and be subject to all the obligations of inspectors of elections in towns; and for the purposes of such election, the different wards of the said city shall in all respects be deemed towns; and the expenses of such elections shall be city charges, and defrayed in the same manner as other contingent expenses of the city. Inspectors of election.

§ 26. No ordinance of the common council shall be binding or have effect for any longer period than three years from the passage thereof. Duration of ordinance.

TITLE IV.

Of the officers of the city, their powers and duties.

§ 1. It shall be the duty of the mayor, to take care that the laws of the state, and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and to examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite all such as shall be resolved upon by them, and in general to maintain the peace and good order, and advance the prosperity of the city. Mayor's duty

Common seal

§ 2. The mayor shall have the custody of the common seal of the city, and authenticate such acts of the common council as shall require it.

Mayor and aldermen ex-officio justices.

§ 3. The mayor and aldermen of the said city, by virtue of their offices, shall have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this state relating to the police thereof, but shall have no jurisdiction in civil cases, other than such as by this act shall be expressly conferred upon them.

Assistant aldermen.

§ 4. The assistant aldermen shall have all the powers of justice of the peace, for the purpose of preserving the public peace, by suppressing riots, dissolving unlawful and tumultuous assemblages, and directing the arrest of persons engaged in breaches of the peace, or about to commit any offence.

Supervisors.

§ 5. The supervisors elected as herein before provided, shall have and exercise all the powers, authority and functions, of supervisors of towns, except as herein otherwise provided, and shall be members of the board of supervisors of the county of Monroe.

Assessors.

§ 6. The assessors elected in the different wards of the city, as herein provided, shall perform all the duties hereinafter specified, in relation to the assessment of property within the city, for the purpose of levying the taxes, imposed by the common council thereof. And in their respective wards, they shall perform the duties of assessors of towns, and shall proceed therein in the manner prescribed by law respecting town assessors, and shall possess all the powers and authority of such assessors, except as hereinafter specified.

Assessment roll.

§ 7. On completing their assessment rolls, the assessors of the different wards shall meet together and make out a fair copy of the assessment roll of all the wards, which shall be left with one of their number; and they shall give the like notice required by law to be given by town assessors; and at the time and place specified in such notice, all the assessors of the different wards shall meet together to review their assessment, and shall proceed in the manner prescribed by law in respect to the assessors of a town: and having completed and subscribed the assessment roll, shall deliver the same to one of the supervisors of the said city, to be by him laid before the board of supervisors of the county of Monroe.

Jurors.

§ 8. The supervisors of the said city, with the assessors of the several wards, shall make out and return to the county clerk of the county of Monroe, a list of persons to

serve as petit jurors, and as grand jurors in the several courts held in the county of Monroe, at the same time and in the same manner as prescribed by law in relation to the supervisors, assessors, and town clerks of the several towns of this state, and for that purpose, they shall assemble at such place as the said supervisors shall appoint, and duplicates of the returns of jurors made by them, and duly certified by them, shall be filed in the office of the clerk of the city within ten days after such returns are made out.

§ 9. The clerk of the city shall keep the minutes of the common council, and all papers and documents belonging to the city, except such as shall appertain to the other officers of the city; and shall be regulated in the performance of the duties of his office by the ordinances of the common council. It shall be his special duty to publish, for at least three weeks, in one of the newspapers printed in the city, all laws and ordinances passed by the common council, and all votes and resolutions, directing the payment of money, of which the first publication shall be made within eight days after the passage of such law, ordinance, vote or resolution. City clerk.

§ 10. The clerk shall countersign all licenses of every description granted by the mayor, pursuant to the ordinances of the common council, and shall enter in appropriate books the name of every person to whom a license is granted, the purpose for which granted, the date, the time during which it is to be in force, and the sum paid for each license; and no license for any purpose granted by the mayor, shall be valid until countersigned by the clerk. To countersign licenses

§ 11. The clerk shall, annually, before the first day of October in each year, certify and deliver to the supervisors elected in the said city, a list of the names of the assessors and collectors in the said city, to be laid before the board of supervisors of the county of Monroe. To make list of assessors and collectors.

§ 12. The city treasurer shall receive and keep the money paid into the city treasury, which he shall deposite in such bank or banks as the common council shall direct, to his credit in his official capacity. He shall keep regular accounts of all the moneys received and disbursed by him, in books to be provided by the common council, in such form as they shall direct; but the name of every person to whom money shall be paid by the treasurer, shall in all cases be entered at length, and on what account the same was paid; which books and entries shall, at all reasonable hours, be open to the inspection of any elector of the said city desiring the same. Treasurer.

Attorney. § 13. The counsel and attorney of the city shall perform such duties as shall be assigned to him by the common council, and shall receive therefor such compensation as the said common council shall provide.

Marshal. § 14. The marshal of the said city shall possess the powers and authority of a constable at common law, and under the statutes of this state, except in relation to the service of process issued by justices of the peace in civil cases. The marshal shall also perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and the maintenance of the police regulations of the said city.

City superintendents. § 15. The city superintendents shall have charge of the streets, squares, alleys, lanes and bridges of the city, and shall perform such other duties as shall be assigned them by the common council, with such powers and authority, and subject to such regulations and restrictions as the common council may provide.

TITLE V.

Of the assessment and collection of taxes for city purposes, and of the funds, revenue and expenditures of the city, and the administration thereof.

Accounts and expenses. § 1. The common council shall examine, settle and allow all accounts chargeable against the city, as well of its officers as of other persons, and shall have authority to direct the raising of such sum as shall be necessary to defray the same, and the contingent expenses of the said city, subject to the limitations and restrictions hereinafter contained.

Money to be raised by tax. § 2. For the purpose of defraying such expenses, the common council may raise annually a sum not exceeding one thousand five hundred dollars, to be appropriated to the lighting of the city, and for the support of a night watch; and a further sum, not exceeding three thousand dollars, to defray all other charges against the city, for the general contingent expenses thereof, besides such sums as may be raised for the support of common schools, and exclusive of assessments for highway labor, and for opening, working, paving, repairing or altering streets, and exclusive of the sums authorized to be raised by the seventh section of the eighth title of this act, and by the second section of the seventh title of this act. And whenever the common council shall determine to purchase any lot or lots of ground for the burial of the dead, or for erecting a penitentiary, or bridewell, or alms-house, and shall determine to erect such penitentiary, or bride-

well, or alms-house, (being authorized thereto by the electors of the said city as hereinafter provided,) they may direct the raising of the sums necessary for such purpose, in such instalments as they may deem expedient, in the manner and under the restrictions in the three succeeding sections contained.

§ 3. Whenever the common council shall deem it expedient to purchase a lot or lots, and to erect a penitentiary, or bridewell, or alms-house, they shall cause an estimate of the expense thereof to be made, and determine the number of annual instalments by which the amount of such expense should be raised, and shall cause a statement of such estimate, and the number of such annual instalments to be published in a newspaper printed in the said city, once in each week, for at least four weeks preceding the next annual election of aldermen and assistants in the said city.

Lots may be purchased.

§ 4. The common council at any time during the year ensuing such election, by a vote of two-thirds of all the members thereof, may direct the raising of the amount of such estimated expense, and by such number of instalments as is expressed in the statement to be published in the manner aforesaid.

Expense how to be paid.

§ 5. Whenever the sums so raised shall be ascertained to be insufficient for the purpose for which the same were raised, the common council may direct the raising of such additional sum as may be necessary, not exceeding two thousand dollars; and whenever the deficiency shall exceed two thousand dollars, they shall cause an estimate of such deficiency to be made, determine the number of instalments by which the amount of such estimated deficiency should be raised, and proceed in all other respects as prescribed in the two preceding sections.

Additional sums to be raised.

§ 6. The aggregate of the sums to be raised to defray the expenses of lighting the city, and compensating watchmen, and the prevention and extinguishment of fires, shall be separately stated, distinct from the other contingent charges, and shall be assessed on all the real and personal estate within the lamp and watch district, according to the valuation of the same in the last preceding assessment roll, which shall have been designated as herein before provided.

Sums to be raised in lamp and watch district

§ 7. All other sums so directed to be raised by the common council, shall be assessed on all real and personal estate within the said city, according to the valuation of the same in the last preceding assessment rolls, which shall have been returned by the assessors of the different wards, and filed in the office of the clerk of the city.

Other sums.

Assessment
when and
how to be
made.

§ 8. The said assessment shall be made by the common council at some meeting thereof during the month of November in each year, in the same manner in which county taxes are directed by law to be assessed by the board of supervisors, and the assessment rolls with the amount of taxes therein specified to be paid, shall be delivered to the collector or collectors of the said city, on or before the fifteenth day of December in each year, with warrants annexed thereto under the hand of the mayor and clerk of the city, commanding such collector to collect from the several persons named in the assessment roll, the several sums mentioned in the last column of such roll opposite to their respective names; and in case any such person shall refuse or neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, and after deducting from the amount so collected, the compensation so allowed to such collector, to pay the residue into the city treasury, on or before the first day of February ensuing after the date of the said warrant.

Amount as-
sessed within
lamp and
watch dis-
trict.

§ 9. A separate column shall be provided in the said assessment rolls, in which shall be inserted by the common council the amount of tax assessed upon the real estate being within and upon the personal property of the inhabitants residing within the lamp and watch district, to defray the expense of lighting the said city and compensating watchmen, and for the prevention and extinguishment of fires; which tax shall be assessed upon the valuations of the real and personal estate of the said freeholders and inhabitants, according to the last preceding assessment rolls as aforesaid, at the same time, and in the same manner, as the general tax is herein before directed to be assessed.

Duplicates of
rolls.

§ 10. Duplicates of the said assessment rolls, verified by the signatures of the mayor and clerk of the city, shall be deposited with the city treasurer, with a receipt thereon from the collectors who shall have received the original, specifying that he has received an original of which the same is a copy, for the purpose of collecting the taxes therein directed to be collected.

Duty of col-
lectors.

§ 11. The collector to whom any such assessment roll and warrant shall be delivered, shall proceed to collect the sums therein specified, together with such fees on the moneys collected by him as shall have been allowed by the common council, in the same manner as provided by law in respect to the collection of county taxes, and shall have and possess all the power and authority conferred by law on the collectors of county taxes, and shall in like manner make returns to the city treasurer of the amount

collected, and of the taxes remaining unpaid: and upon making oath before the city treasurer, which oath he is hereby authorized to administer, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city treasurer with the amounts so remaining due and unpaid.

§ 12. When any tax or assessment imposed by the said common council pursuant to law shall be returned as unpaid, or shall not be paid within the time required by law, the said common council may maintain an action therefor in the name of the corporation of the city, against the person liable for the payment of the same, either as owner or occupant of the real estate, or as owner of the personal property charged with such tax or assessment, in any court having cognizance thereof, and shall recover the same with interest from the time such tax was returned unpaid; and in every such action, the assessment roll, wherein such owner or occupant shall be assessed, and the return thereof unpaid by the collector, shall be presumptive evidence of the indebtedness of such owner or occupant, and of its amount.

Return of unpaid taxes.

§ 13. When any tax or assessment charged upon any real estate within the said city, shall be returned as unpaid by the officer authorized to collect the same, the common council may direct the city treasurer to advertise and sell such real estate as herein after provided.

Land may be sold.

§ 14. The city treasurer shall cause a notice to be published in a newspaper of the said city for six successive weeks, describing the real estate charged with such tax or assessment remaining unpaid, and stating the amount of such tax or assessment then due, and notifying all persons concerned, that unless the said tax or assessment, with the costs and expenses of advertising the same, shall be paid before the time of sale in such notice specified, he will, on a day and place therein to be stated, expose the said real estate to sale at public auction. The costs and expenses for advertising and selling land under this section, shall be the same as are provided by law on the sale of mortgaged lands by advertisement.

Notice to be published.

§ 15. If such tax or assessment and the expenses aforesaid, be not paid by the said time of sale, the said treasurer shall proceed to sell the same for the shortest time any bidder will take such premises and pay the said tax or assessment, and the expenses of such sale; and on such sale he shall execute to the bidder a certificate of sale in which the property purchased shall be described; the amount of tax or assessment and expense of such sale, and the time for which the premises were purchased shall be specified;

Sale when to be made.

also the time when the purchaser will be entitled to receive the lease herein after mentioned; said treasurer shall cause a copy of said certificate to be filed in the clerk's office of said city of Rochester.

Lease when
to be given.

§ 16. The grantee in such certificate shall, at the expiration of two years after said sale, be entitled to a lease of said premises for the term he so bid off the same, which term shall commence at the day of the date of said lease; said lease to be given by the mayor of said city, under the corporate seal of said city; which lease shall be presumptive evidence, in all courts and places, that such tax and assessment was legally imposed, and that the proceedings to authorize such sale were correct; and such grantee may obtain possession thereof in the manner prescribed by law in relation to persons holding over demised premises after the expiration of their terms without the consent of their landlords; and shall have, hold and enjoy the said premises during the term for which the same were granted to him, free and clear from all claim and demands of any other owner or occupant of the same, but subject to any taxes or assessments that may be charged thereon during the said term; and at the expiration of such term, such grantee, his heirs or assigns, may remove any building or fixture that may have been erected on the said premises during the said term.

Owner may
redeem with-
in two years.

§ 17. Any owner or claimant of the premises so sold, may within two years after such sale, redeem the same, by paying to such grantee, his heirs or assigns, or into the city treasury for his benefit, the amount paid by him, with the addition of ten per cent per annum on such amount; and on such payment being made, the title of such grantee shall absolutely cease and determine.

Warrants
may be re-
newed.

§ 18. The mayor, by the direction of the common council, may renew any warrants that may be lawfully issued for the collection of any tax or assessment, from time to time, as often as any tax or assessment shall be returned uncollected, or shall not be returned collected; or may issue a new warrant for the collection of such tax, and in such warrant, shall specify the time when the same shall be returned, and the same proceedings shall in all respects be had on such renewed warrants, or new warrants, as are herein authorized upon the first warrant.

Proceedings
against de-
linquent col-
lectors.

§ 19. If any collector shall refuse or neglect to pay over to the city treasurer, the sums required by his warrant so to be paid over, or to account for the sums so unpaid as required by law, the city treasurer may issue a warrant under his hand and seal, directed to the marshal of the city, commanding him to the same effect, as in the

warrant authorized by law to be issued by a county treasurer against any delinquent collector, upon which the marshal shall proceed as sheriffs are required by law to proceed upon such warrant issued by county treasurers; and if any moneys shall remain uncollected on such warrant, the city treasurer shall immediately give notice thereof to the mayor of the city, whose duty it shall be to cause the bond of such collector to be prosecuted, and the moneys collected in such suit shall be paid to the city treasurer.

§ 20. The same proceedings by attachment may be had Against marshal. against any marshal for neglecting to return such warrant, as are provided by law in cases of sheriffs receiving similar warrants by county treasurers.

§ 21. For any neglect of any collector to pay over Collectors. moneys, or to render any account upon any warrant issued by the supervisors of the county, the same proceedings may be had as against collectors of towns in similar cases.

§ 22. Within four weeks, and not less than two weeks Treasurer's accounts how to be audited. before the annual election of aldermen and assistants, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it; and shall make out a statement in detail of the receipts and expenditures of the corporation, during the preceding year; in which statement shall be clearly and distinctly specified, the several appropriations made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, repairing and altering streets, and for building and repairing bridges, the amount borrowed on the credit of the corporation, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

§ 23. The said statement shall be signed by the mayor Statement and clerk and filed with the papers of the city: and the same shall be published by the clerk at the expense of the city, in some newspaper thereof, at least one week before the annual election of aldermen and assistants.

§ 24. The common council shall not borrow any money Loans. on the credit of the corporation, unless authorized by this act or by a special act of the legislature, except in anti-

pation and not exceeding the amount of the revenue of the year, in which such loan shall be made.

Money how
to be drawn
from treas-
ury.

§ 25. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn; and all ordinances, resolutions and orders directing the payment of money, shall specify the object and purpose of such payment, and shall be certified by the clerk of the common council to the city treasurer, before any payments shall be made by him.

Bank books.

§ 26. The city treasurer shall keep two separate bank books, with every bank in which any money of the city shall be deposited, in which shall be entered all sums received by such bank to the credit of the treasurer, and all sums paid out on his checks and drafts, which books shall be written up and the balance stated on the last day of each week, and at any other time when the mayor shall direct; one of the said books shall be kept by the treasurer, and the other shall be deposited with and kept by the clerk of the city, who shall retain the same in his custody at all times except when the same is left at the bank for the purpose of having entries made therein, and shall be at all times open for the inspection of any member of the common council. And every member of the common council shall be entitled during usual banking hours, to inspect the account of the treasurer with any bank in which deposits of money are paid.

Checks on
bank.

§ 27. No money placed to the credit of the treasurer in any bank, shall be drawn out, unless by a check signed by the treasurer, and countersigned by the clerk, or such other officer or person as the common council shall appoint for that purpose; of which appointment notice shall be given to the banks in which such deposits shall be made, and a copy of this section shall be delivered to the cashier of every such bank, before making deposits therein.

Check book.

§ 28. The clerk or other person authorized to countersign such checks, shall keep in a book to be provided for that purpose, regular entries of checks countersigned by him; and shall not countersign any check without having evidence before him that the same is authorized by some ordinance or resolution of the common council.

TITLE VI.

Of Common and other Schools.

Commission-
ers of com-
mon schools.

§ 1. The mayor, aldermen and assistants of the city of Rochester, shall, by virtue of their offices, be commis-

tioners of common schools in and for the said city, and in common council shall perform all the duties of such commissioners, and shall have and possess all the rights, powers, and authority of commissioners of common schools in the several towns of this state. The clerk of the city shall be the clerk of the said commissioners, and shall perform all the duties enjoined by law upon the clerks of commissioners of common schools in the several towns of this state.

§ 2. The moneys required by law to be raised by tax for the support of common schools shall be levied and raised in the city of Rochester by the supervisors of the county of Monroe, in the same manner as such taxes are directed to be raised in the several towns in the county of Monroe; and the amount raised in the said city shall be paid to the treasurer thereof: and directions to that effect shall be given in the warrants delivered to the collectors in the said city, and the sum apportioned to the said city by the superintendent of common schools shall be paid to the treasurer of the said city by the treasurer of Monroe county.

School tax
how to be
raised.

§ 3. The common council shall have the same power to raise any additional sum for the support of common schools, as is given by law to the towns of the state; which shall be assessed, levied and collected, and paid into the city treasury, in the same manner as the sums raised to defray the general expenses thereof.

Additional
sums.

§ 4. The moneys so paid into the city treasury shall be distributed among the several school districts therein, by the common council, in the same manner prescribed by law in relation to the distribution of common school moneys among the districts of towns, and the said common council shall receive and make the several returns and reports required by law of commissioners of common schools in towns, and the members thereof shall be individually liable for any neglect of duty in the premises, in the same manner as town commissioners of schools.

Distribution
of school
money.

§ 5. The common council shall annually appoint a number of inspectors of common schools in the said city, not exceeding twelve, and not less than five, who shall possess all the powers and authority of inspectors of common schools elected by any town, and shall be subject to the like duties and obligations. In case of the refusal of any person so appointed to serve, or in case of a vacancy in the office, the common council shall, from time to time, appoint others, who shall have the like powers and be subject to the same duties.

School in-
spectors.

High schools
may be cre-
ated.

§ 6. The freeholders and inhabitants of any school district in the said city may, by a vote of two-thirds of the persons present, and entitled to vote at any meeting of such district convened after notice of the object of such meeting shall have been published for one week in some newspaper of the said city, and after the said notice shall have been served on every such freeholder or inhabitant, by reading the same to him, or in case of his absence, by leaving the same at his place of residence, at least five days previous to such meeting, determine either separately or in conjunction with any other school district or districts in the said city, to have a high school created for such district or districts as shall so agree to unite for that purpose; and may vote a sum, not exceeding five thousand dollars, to be raised for erecting a building for such high school; and on evidence of such vote, and of such notice having been published and served as above provided, being presented to the common council, they may, in their discretion, authorize the erection of a high school in such district, or may authorize the several districts so agreeing to be erected in one district, which shall thereafter form one school district; and all the property, rights and interests of the several districts so united shall belong to, and be vested in, the trustees of the said united districts; and the trustees thereof shall have all the powers of trustees of school districts; shall be elected in the same manner, and shall be subject to all the duties and obligations of trustees of common school districts.

School houses.

§ 7. Upon such authority being given, the trustees of such district shall proceed to raise the sum which shall have been voted at such district meeting or meetings for the erection of a building, in the same manner that moneys voted by school districts to build school houses, are directed by law to be raised; and the same proceedings shall be had in all respects; and the moneys so raised shall be expended by the trustees and accounted for by them to the common council.

Rights and
privileges.

§ 8. Such school district shall have all the rights, privileges and benefits of a common school district, and the freeholders and inhabitants thereof may vote a sum not exceeding seventy-five dollars in each year, to be raised for the purpose of keeping such building in repair, which shall be assessed and collected in the same manner as sums voted by district meetings for the repair of school houses, are directed by law to be raised and collected.

Rochester
high school.

§ 9. The three last preceding sections shall not extend to any school district in which there is now a high school, or which is attached to the Rochester high school.

§ 10. It shall be the duty of the trustees of the Rochester high school to make the reports and returns which by law they are required to make as trustees of a school district, to the common council, as commissioners of common schools. To make reports.

§ 11. The common council shall annually publish in some newspaper of the city, a statement of the number of high schools and common schools in the said city; the number of pupils instructed therein the year preceding; the several branches of education pursued by them; and the receipts and expenditures of each school, specifying the sources of such receipts, and the objects of such expenditures. Number of schools to be published yearly

TITLE VII.

Of streets, highways, bridges and public improvements.

§ 1. The common council shall be commissioners of highways for the said city, and shall have the care and superintendence of the highways, streets, bridges, lanes, alleys and public squares therein, and it shall be their duty. Commissioners of highways.

1. To give directions for the repairing and preservation of such highways, streets, bridges, alleys and public squares, and to cause them to be repaired, cleansed, improved and secured from time to time, as may be necessary.

2. To regulate the roads, streets, lanes and alleys already laid out, or which shall be hereafter laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions hereinafter contained.

3. To cause such of the streets and roads as shall have been used for six years past as are not sufficiently described, or have not been duly recorded, to be ascertained, described, and entered of record in the city clerk's office; and the recording of such roads, streets, lanes, alleys or public squares, so ascertained and described, or which shall hereafter be laid out by the said common council, in books kept by the clerk of the said city, by order of the said common council, shall be evidence of the existence of such roads, streets, alleys, lanes and squares, as therein described.

4. To divide the said city from time to time, into so many districts as they shall judge expedient, by an ordinance to be entered in their minutes: and,

5. To appoint and assign to each of the said districts, so many inspectors of streets, as they shall from time to time deem proper, who shall give security, if required, for the faithful performance of their duties, and assign to them

such duties in relation to the opening, laying out, making repairs, and preservation of the said streets, roads, lanes, alleys and squares, as they shall think fit; and the said inspectors shall possess all the powers of overseers of highways in towns, and be subject to all their duties and obligations, so far as the same may be applicable to the said city.

Money to be
raised for
highways, &c

§ 2. The common council may annually raise by tax on the real and personal estate within the said city, such sum as they shall judge necessary to constitute a general fund for the construction and repair of highways, streets, alleys, lanes and public squares, and other public buildings and improvements belonging to the said city, and for the construction and repair of wells, pumps, aqueducts and cisterns of water, not exceeding in any one year, the sum of two thousand dollars, which sum shall be assessed, raised, levied and collected in the same manner, and at the same time, as the taxes for the contingent expenses for the said city, and shall in like manner be paid into the city treasury, subject to the order of the common council.

Highway la-
bor how to
be assessed.

§ 3. Whenever the common council shall deem it expedient to assess highway labor upon any district of the said city, for the opening, working, or repair of highways or streets therein, they may direct the inspector or inspectors of such district, to furnish a list of the names of all persons owning or occupying land in the said district, or owning land therein, although not residing therein, and of all male inhabitants of the age of twenty-one years, residents of such districts; and a statement of the contents of all lots, pieces or parcels of land within the said district, not occupied by residents thereof, and the value of all such lands, as the same were assessed in the last preceding assessment roll of the city; which lists and statements shall be returned to the clerk's office of the said city, and there filed of record.

Notice to be
published.

§ 4. The city clerk shall publish for at least one week in some newspaper printed in the city, a notice that such lists and statements are returned to his office, and all persons interested may examine the same, with a view to apply to the common council for the correction of any error therein.

Lists how to
be corrected.

§ 5. The common council shall assign a day to hear applications to correct the said lists and statements, which shall be at least ten days after the first publication of the said notice, and shall be specified in such notice, when they shall proceed to hear and determine the said applications, and therein shall receive in evidence, the oath of the party, to be administered by the mayor or clerk of the said city.

§ 6. After correcting the said lists and statements, the common council shall determine the whole number of days' works which will be necessary for the ensuing year, for opening, working, and repairing the streets and highways in the said district, over and above what the common council shall have appropriated from the general fund for that purpose, or may thereafter appropriate, and shall assess the same as follows:

1. Every male inhabitant of the age of twenty-one years, excepting ministers and priests of every denomination, paupers, idiots and lunatics, shall be assessed at least one day's work.

2. The residue of the said estimated days' works shall be apportioned on the real estate within the said district, and on the personal estate of residents therein, and upon each tract of land of which the owners are non-residents, contained in the lists made and corrected as aforesaid, as the same shall appear by the last assessment roll, and if the value of any lot or tract of land cannot be ascertained from such assessment roll, then according to the value thereof, to be assessed by the assessor of the ward in which such lot may be situated.

§ 7. A day's work shall be estimated at fifty cents, and the common council shall make out a list of the persons assessed, and of the lots and tracts belonging to non-resident owners of land assessed, with the number of days' work apportioned to each person and lot, and the amount of such days' works estimated at fifty cents for each day; and shall annex thereto a warrant directed to the collector of the wards in which such district may be situated, commanding him to collect the said amount in money, in the same manner as the taxes for contingent expenses of the said city are herein directed to be collected, and to return the said warrant and pay over the money collected to the city treasurer, at such times as shall be appointed in said warrant.

§ 8. The collector to whom such list and warrant shall be directed, shall proceed in the collection of the same, in the same manner in all respects as herein before provided in relation to the taxes of the said city, and shall be entitled to the same fees on moneys collected, and shall possess the same powers, and shall in like manner make return of the amount collected, and of the amount remaining unpaid; and the same proceedings shall be had to collect the highway tax so assessed on real estate, as are herein before provided in relation to other taxes on real estate; and the same may be sold with the like effect and with the like rights to the purchaser.

Payment by
labor.

§ 9. The common council may authorize the inspector of such district to agree with any person so assessed, to receive the amount assessed to such person for highway labor in work, by teams, horses or men, by a certain time therein to be specified; and on any such agreement being made by such inspector, he may give a certificate thereof to the person so assessed, and on leaving the same with the collector, it shall suspend the collection of the amount so assessed to such person until the time specified therein, at the expiration of which time, the said assessment shall be collected, unless the person liable therefor shall produce to the collector a receipt of the inspector of the district for the amount of labor so agreed to be performed, which receipt shall be taken and received by the collector, and returned by him to the city treasurer, who shall allow the same to such collector.

Sewers,
drains, &c.

§ 10. The common council shall have power, subject to the restrictions and limitations hereinafter contained,

1. To cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be made in any part of the city.

Streets, &c.

2. To cause the pitching, raising, levelling, repairing, cleansing, amending, covering with broken or pounded stone, and paving any of the streets, alleys, lanes, roads, squares, highways and walks in the said city.

3. To lay out, make and open any street, square, alley, road, highway or walk in the said city, and to cause any street, alley, square, road, highway or walk, already laid out, or that may hereafter be laid out or used as such, to be opened or altered by widening or altering the course of the same whenever they shall judge the public good requires the same to be done.

Restriction.

§ 11. But the said common council shall not lay out any street, alley, square, road, highway or walk, or alter any such as may already be laid out or used, so as to run across or over the site of any building at the time actually erected, which shall be of the value of five hundred dollars, without having obtained consent of the owner of such building in writing, or without having purchased such building.

Proceedings
in opening
streets.

§ 12. Whenever the common council shall determine to make any of the improvements aforesaid, and that the lands of any person will be necessary for such purpose, they shall enter in their minutes a description of the land so deemed necessary, with the like certainty as is required by law in writs of ad quod damnum, and may purchase the same of the owner, and make him such compensation as they shall judge reasonable, and thereupon shall take

from such owner a conveyance of such land to the said city.

§ 13. In case any such agreement cannot be made, the mayor of the city may issue his precept to the marshal thereof, describing the land which the common council shall have deemed necessary to be taken for any purpose aforesaid, and commanding him to summon twelve freeholders of the city, not interested in the land through which the proposed street or road is to be laid out, or in the land upon which any such public improvement is proposed to be made, and not of kin to any such owner, to inquire whether the person or persons owning such land, or occupying any tenements thereon, will sustain any and what injury, by reason of the taking of such premises for the use of the said city; and that he notify such owners in the manner required by law, of the time and place of making the said inquiry; and that he return the said precept with the finding of the said jury thereupon to the mayor's court of the said city, at some time thereof, not less than three weeks nor more than ten weeks after the date of such precept.

Jury to be summoned in case of disagreement.

§ 14. Such precept may describe the lands of as many owners as the mayor shall think proper.

Description of lands.

§ 15. Previous to issuing such precept, the common council shall cause a survey and map to be made of the street, alley, square, or other public improvement intended to be made, designating on such map the lots, tracts and parcels of land which are deemed necessary to be taken, and showing the commencement and termination of the road, street, or alley proposed to be laid out, which map shall be authenticated by the signature of the surveyor making the same, and shall be attached to the said precept.

Survey and map.

§ 16. Upon such precept being delivered to such marshal, he shall give at least ten days' notice of the time and place of executing the same to the owners of the premises described in the said precept, or to the occupants of the said premises, and in case of their not being residents of the said city, to their usual agents and attorneys who have theretofore had charge of such lands, by delivering a written notice to them personally, or leaving the same at their dwelling-houses or places of abode; and if any of the owners of such lands are unknown, or are infants, maniacs, married women, or non-residents of the city, such notice may be served by publishing the same for two weeks in a newspaper printed in the said city. In his return to such precept, the marshal shall specify the persons upon

Notice to be given.

whom such notice has been personally served, and the manner of serving it upon other persons.

Jury to be
summoned.

§ 17. The marshal shall summon twelve jurors, as here-
in before directed, to appear at the time and place speci-
fied in such notice, and shall have power to inquire of
them on their oaths, respecting their interests in the lands
described in the precept, and respecting their being of kin
to any persons so interested. To each of the jurors found
free from all exception, the marshal shall administer an
oath that he will diligently inquire concerning the matters
specified in the said precept, and will give a true verdict
according to the best of his judgment, without favor or
partiality.

Their duty.

§ 18. After being sworn, the jury shall proceed on that
day, and on such other days as the inquiry shall be ad-
journd to by the marshal, to view all the lands and tene-
ments specified in the said precept, and may examine wit-
nesses on oath, to be administered by the said marshal,
and shall proceed to assess the damages which the owner,
or if there be several, which the respective owners of
such lands and tenements, or if there be any occupants
who are not owners, which such occupants will severally
sustain by being deprived thereof; and in making such as-
sessment, they shall not advert to or take into considera-
tion, any benefit or advantage which such owner or oc-
cupant will receive by reason of such proposed public im-
provement being made in the enhancement of the value of
any real estate owned or occupied by him, or for any oth-
er reason. They shall make an inquisition, to be signed
by them and the marshal, in which they shall set forth
the names of the several owners of the lands and tene-
ments in question, and the rights of such owners respec-
tively as far as the same can be ascertained by them, and
the names of any occupants of the said lands or tene-
ments, not being owners, who will sustain any damage by
being deprived of the same, together with the amount
of damages sustained by each of them, and the sum of
money which should be paid to such owners and occu-
pants for their said damages, which inquisition the mar-
shal shall return, with his precept, to the said mayor's
court on the return day specified in such precept.

Hearing be-
fore court.

§ 19. The said mayor's court shall examine the inqui-
sition so returned, and shall hear the allegations and proofs
of the attorney and counsel of the said city, and of any
person interested in the lands and tenements described in
such inquisition, or his agent or attorney, in relation to
the amount of damages therein assessed, and shall cause
such proofs to be reduced to writing, and filed with the

clerk of the said court, and such court may adjourn the hearing of such allegations and proofs as often as may be necessary, and may set aside the said inquisition in whole or in part, and may direct a new inquisition to supply its defects, upon which the same proceedings shall be had as herein directed upon the precept issued by the mayor, or the said court may confirm the said inquisition in whole or in part, and thereupon enter an order that the mayor and common council of the city of Rochester shall be entitled to take the lands and tenements specified in such inquisition, or such part thereof, in respect to which such inquisition shall have been confirmed, for the purposes of the public improvements so proposed to be made, on paying the amount of damages assessed to the owners and occupants thereof as prescribed by law, and that on making such payment, the mayor and common council shall be entitled to, and have, an absolute estate in such lands and tenements for which such damages shall be paid, as fully and effectually as if the same had been conveyed in fee to the said corporation by the owners of the said lands and tenements.

§ 20. Any person conceiving himself aggrieved by any part of such inquisition, that shall have been confirmed by the said mayor's court, may, within three months after such confirmation, give notice to the common council of the said city, of his intention to apply to the supreme court for the appointment of commissioners to review and correct the said inquisition, and shall accompany such notice with a bond, executed to the mayor and common council of the said city, by such person, and one or more sureties to be approved by the mayor, any alderman of the said city, or any judge of the county courts of the county of Monroe, or executed by any two sufficient persons, and approved as aforesaid, in the penalty of two hundred and fifty dollars, conditioned for the diligent prosecution of the said application, and for the payment of all costs and charges which may be incurred by the said mayor and common council, in resisting the same and defending the said inquisition, in case the said inquisition shall be confirmed.

Notice of
appeal to su-
preme court.

§ 21. The giving such notice and delivering such bond, shall suspend all further proceedings of the common council, in relation to the taking of the lands and tenements which shall be the subject of such notice, until a decision thereon, as hereinafter provided.

Suspension
of proceed-
ings.

§ 22. At the next term of the supreme court, or at the next term of the said court held for hearing non-enumerated motions, which shall be held after such notice shall

Sup. court
to appoint
commission-
ers

have been served eight days, or on any day of such term, which shall be eight days after the service of such notice, and which day shall be specified therein, the supreme court, by rule of court, shall appoint three reputable and disinterested electors to examine and review such part of the said inquisition as shall have been complained of by the person or persons giving such notice.

To review
inquisition.

§ 23. The said commissioners, so appointed, shall be sworn by any officer authorized to take affidavits to be read in courts of record, faithfully and impartially to examine and review the said inquisition in the parts complained of, and make such correction thereof as shall be just and equitable. They shall appoint a time and place of meeting, of which the like notice as of hearing before referees, shall be given to the mayor of the said city, and shall possess all the powers of referees in suits pending in courts of record, and shall be subject to the same obligations and duties, and may be compelled to report in like manner, and they shall be entitled to the same fees and expenses as referees, to be paid in the first instance, by the applicants.

To report to
court.

§ 24. After hearing the allegations and proofs of the parties, the commissioners, or any two of them, shall report to the supreme court at the next term after the hearing before them, the corrections which should justly and equitably be made in any assessment contained in such inquisition, which shall have been so complained of, and the said supreme court shall proceed to consider the same, and for that purpose shall give the said report a preference over any enumerated or non-enumerated motion at such term, and shall confirm, annul or modify such report, as the said court shall deem just, and the decision of the said court thereon shall be final and conclusive, except that in case of annulling the said report, the said court may direct a rehearing before the said commissioners, or before any others that the said court may appoint, and in such case the same proceedings shall be had for the examination, correction and review of the said inquisition, as herein before provided on the first appointment of commissioners.

Determina-
tion of court.

§ 25. In case the said inquisition shall be confirmed, the obligors in the bond given to the common council, as before provided, shall be liable to pay all the taxable costs necessarily incurred; and in case the said inquisition shall be corrected or modified, the supreme court shall determine under the circumstances of the case whether the applicant shall be entitled to his cost and expenses, and if the same be awarded to such applicant, they shall be paid

on taxation by the common council of the said city, as part of the contingent expenses thereof.

§ 26. Whenever the amount of any damages for taking any lands as aforesaid shall be finally ascertained and fixed, either by the confirmation of the mayor's court as aforesaid, and no notice and bond being given within the time above prescribed, or by the report of commissioners and the confirmation thereof by the supreme court, the common council shall, within sixty days thereafter, pay the amount of such damages to the owners and occupants of lands and tenements to whom the same shall have been allowed; and in case such owners shall be unknown, non-residents of the said city, married women, infants, idiots, or lunatics, or the rights and interests of persons claiming the same, shall, in the opinion of the common council, be doubtful, it shall be lawful for the said common council, in any such case, to pay the amount of such damages into the office of the clerk of the court of chancery, which shall be in or nearest to the said city, accompanied by a statement of the facts and circumstances under which such payment is made, and describing the lands and tenements taken by the said city, for which such damages have been awarded.

§ 27. Until such damages shall be paid as aforesaid, it shall not be lawful for the said common council, or any of their officers or agents, to take or enter upon any lands or tenements, for the taking of which any such damages shall have been allowed.

§ 28. Upon such damages being paid into the court of chancery, the said court shall take order for the investment thereof, and of the interest arising thereupon; and shall cause the securities taken on such investments to be transferred, and the money on hand to be paid over to the owners of such lands entitled to such damages, their guardians or legal representatives, in the manner prescribed by law respecting damages assessed on writs of ad quod damnum, and the same proceedings in all respects shall be had to ascertain the rights and interests of the owners of such lands.

§ 29. The expenses of any public improvement herein authorized, may be defrayed by the common council out of the fund herein before prescribed for repairing streets, or the same may be defrayed partly out of the said fund, and partly by assessment on the owners and occupants of houses and lands that may be benefitted thereby; or the same may be wholly defrayed by assessments on such owners and occupants.

How to be
assessed.

§ 30. Whenever the common council shall determine that the whole, or any part of the expense of such public improvement should be defrayed by an assessment on such owners and occupants, they shall declare the same by an entry in their minutes, and shall direct estimates of such expenses to be made and laid before them by such officers or citizens as they shall appoint for the purpose, and after correcting such estimates as they shall think proper, and including therein the damages sustained by any owner or occupant of lands and tenements that shall be necessarily taken for such purpose, or an estimate of such damages, they shall declare by an entry in their minutes what portion thereof shall be assessed upon the owners and occupants of lands and houses that will be benefitted thereby, specifying the sum to be assessed, and the portion or part of the said city which will be benefitted by such improvements. The costs and expenses of the inquisition, of appeals therefrom, and of making the assessments and the collector's and treasurer's fees, shall be deemed a part of the expense of such public improvement.

Amount to
be ascertained.

§ 31. The said common council shall thereupon make an order, reciting the public improvement intended to be made, the amount of expense to be assessed, as aforesaid, and the portion or part of the city on which the same is to be assessed, directing the assessors of the different wards of the said city, not interested in any of the property so benefitted, and not of kin to any person so interested, to make an assessment upon all the owners and occupants of lands and houses within the portion or part so designated, of the amount of such expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by the making of such improvements; which order shall be certified by the clerk of the city and delivered to some one of the said assessors, together with a map or profile of the proposed improvement, in cases where the same shall be applicable.

Assessors. to
take oath.

§ 32. It shall be the duty of the assessors of the said city, to meet together at such time and place as shall have been appointed by the common council, or by the assessor to whom the said order shall have been delivered, and shall ascertain such of them as are not interested in the premises, and are not of kin to any person so interested, by the oath of any assessor who shall be questioned by any other assessor, which oath may be administered by any officer authorized to take affidavits to be read in courts of record; and the said assessors so found to be indifferent, shall take an oath before some officer authorized to take affidavits as aforesaid, faithfully and impar-

tially to discharge the duty imposed upon them by the said order.

§ 33. If there shall not be at least five assessors found indifferent, as aforesaid, the common council shall appoint such number of commissioners, not exceeding five, not interested, and not of kin as aforesaid, to act with the assessors so found indifferent, or in case no assessor shall be found indifferent, then to act separately, who shall be sworn as aforesaid. Commissioners may be appointed.

§ 34. The assessors or persons thus sworn, shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, and the amount assessed to them respectively; and in case any lots or parts of lots shall be unoccupied, belonging to any person residing in the city of Rochester, such person shall be assessed for the same, and his name be entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner unknown, the same shall be entered accordingly, with such a description of such lots as is required by law in assessment rolls made by town assessors, with the value thereof, and the amount assessed thereon; which assessment roll shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city. Assessment how to be made.

§ 35. The said assessors and persons shall receive such compensation for their services as shall be allowed by the common council, to be paid out of the contingent funds of the said city, not exceeding two dollars per day for each. Pay of assessors.

§ 36. Upon such return being made and filed, the clerk of the city shall cause notice of the same being returned to his office, to be published in a newspaper of the said city for at least two weeks, and that the common council will, on such day as they shall have appointed, proceed to hear any appeals from the said assessment: Notice to be published.

§ 37. At the day appointed for that purpose, and on such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list, in whole or in part, or may set the same aside and direct a new assessment, either by the same persons and assessors, or by such other persons as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment; or the said common council may ratify Hearing.

and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Confirmation § 38. Every assessment so ratified and confirmed by the common council, shall be final and conclusive.

Warrants to collectors § 39. The mayor of the said city shall make out a transcript of the assessment roll so confirmed, containing the amount assessed to each person and lot, and shall annex thereto a warrant to be signed by him, and directed to the collector or collectors of the ward or wards in which the said lots may be situated, commanding them to collect the several amounts therein specified according to law, together with the fees allowed by the common council to such collectors, and to pay the amount so collected, exclusive of the said fees, to the treasurer of the said city, by such day as shall be therein appointed.

Duty of collectors § 40. Every collector to whom such assessment roll and warrant shall be delivered, shall proceed to collect the same in the manner herein before prescribed in relation to the collection of taxes in the said city, and shall have like power and authority, and shall in like manner make returns and payments to the treasurer of the city, and shall be credited with amounts uncollected upon the like affidavit, and the same proceedings shall be had in all respects, to collect the amount of any assessment remaining unpaid, which shall have been made on any lands, lots, or parcels of land or tenements, as are provided herein before, in respect to taxes and assessments; and a sale of such lands, lots and tenements, and tracts shall be made in like cases and with like effect in all respects.

Owners liable to pay. § 41. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law, the person who ought to bear and pay every such assessment made for the expense of any public improvement in the said city.

Persons liable to pay may be sued. § 42. Where any such assessment shall be made upon or paid by any person, when by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for the one so paying, to sue for and recover of the person bound to pay the same, the amount so paid, with interest, in an action for money paid, laid out and expended for the benefit of such defendant.

Landlord and tenant. § 43. Nothing herein contained shall impair, or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Excess to be refunded. § 44. If upon the completion of any such improvement, for which such assessment shall have been made, it shall

appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons, and the owners of such property entitled thereto, on demand.

§ 45. If it shall appear that a greater sum of money has been expended in the completion of such improvements than was estimated as aforesaid, the common council may pay the same, or any part thereof, out of the fund for public improvements herein before provided, or may direct the assessment of the same, or any part thereof, on the owners and occupants of houses and lands benefitted by such improvement, in the same manner as herein directed, and the same proceedings in all respects shall be had thereon. Deficiency provided for.

§ 46. Every tax or assessment for highway labor, for public improvements, or for other purposes authorized by this act, assessed upon any lands, tenements or real estate, shall be and remain a lien on such lands, tenements and real estate, until the same be paid or satisfied. Tax to be a lien on land.

§ 47. Whenever the common council shall deem it expedient to construct any side-walk or pavement within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street to lay such side-walk, or construct such pavement to the centre of the said street, in front of his or her lot or house; or, they may direct such side-walks and pavements to be made according to the provisions of this title. Side-walks and pavements.

§ 48. Whenever the owner or occupant of any lot or house, shall refuse or neglect within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening of streets, or for any other purpose, it shall be lawful for the said common council to cause such regulation to be enforced at the expense of the city, and to recover the amount of such expenses with damages, at the rate of ten per cent, with costs of suit from the owner or occupant of such lot or house, whose duty it was to conform to such regulation. Regulations may be enforced.

§ 49. The mayor and common council of the said city may hold, occupy and enjoy any real estate, or any rights or appurtenances to real estate, which shall be granted, leased, or otherwise conveyed to them, for the purpose of maintaining bridges, roads, streets, markets, or any other public improvement, and on obtaining the consent and license of Common council may hold real estate.

the owners of the bed of the Genesee river, may erect and maintain any markets over the said river, and may let the stalls, rooms and shops in such market; and all such rights as have been acquired by the trustees of the village of Rochester, shall be transferred to, and vested in, the said mayor and common council, who may exercise all the powers and authority given by this section, in respect to any erections made by the trustees of the said village over the Genesee river, by the consent of the owners of the bed thereof.

TITLE VIII.

Of the prevention and extinguishing of fires.

Buildings
may be regu-
lated.

§ 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the said city, as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of chimneys therein; and every person who shall violate any such ordinance or regulation, shall forfeit to the mayor and common council of the city, the sum of one hundred dollars. And every building erected contrary to such ordinance, is hereby declared to be a common nuisance, and may be abated and removed as such by the common council.

Scuttles and
stairs.

§ 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings, to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs, or ladders, to be constructed, and may recover the expense thereof, with ten per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Fire buckets.

§ 3. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, within such time as they shall prescribe; and may require such buckets to be produced at every fire.

Ashes, chim-
neys and
stove-pipes.

§ 4. The common council may regulate and direct the constructions of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke; and upon neglect of the owner or

occupant of any house, tenement or building of any description, having therein any chimneys, flues, stove-pipes, or other conductors of smoke, to clear the same as shall have been directed by any ordinance, the common council may cause the same to be cleaned, and may collect the expense thereof, and ten per cent in addition, from the owner or occupant, whose duty it was to have the same cleaned.

§ 5. The common council may regulate the use of ^{Lights, gun-powder, &c.} lights and candles in livery stables, and other buildings, in which combustible articles may be deposited, and may prescribe the use of lanterns or safety-lamps in such building, and may regulate the transporting, keeping and deposit of gunpowder, or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories, dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fireplace, stove-pipe, flue, chimney, or any other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause or promote fires, and generally, may adopt such other regulations for the prevention and suppression of fires as may be necessary.

§ 6. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling-houses, buildings and tenements of every description, and all lots, yards or enclosures, and to cause such as are dangerous to be put in a safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or any other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, ^{Inspection of lots, houses, &c.} at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally, with such other powers and duties as the common council shall deem necessary to guard the said city from the calamities of fire.

§ 7. The common council may procure, own, build, ^{Fire engines.} erect, and keep in repair, such and so many fire-engines, with their hose and other apparatus, engine-houses, ladders, fire-hooks and fire-buckets, and other implements and conveniences for the extinguishing of fires, and to prevent injuries by fires, and such and so many public

cisterns, wells, reservoirs of water, and engine-houses, as they shall from time to time judge necessary; and may raise annually, a sum not exceeding one thousand and five hundred dollars, to defray the expense thereof, by tax on the real estate within the said city, and the personal property of the inhabitants thereof.

Fire department.

§ 8. The common council may organize a fire department for the said city, to consist of one chief engineer, two assistant engineers, twice the number of wardens that there are wards in the said city, a proper number of firemen, not exceeding thirty to each engine, such number of hook and ladder men, and such number of tub and hose men as the engineers and fire wardens may at any time recommend. The said firemen, hook and ladder men, and tub and hose men, to be appointed by the said common council, and to hold their appointments during the pleasure of the board. But the fire companies and firemen now existing in the village of Rochester, shall continue until others shall have been appointed in their places by the common council.

Rules for the same.

§ 9. The common council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men; may prescribe their respective duties in cases of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Implements for extinguishing fires.

§ 10. The engineers and fire-wardens under the direction of the common council, shall have the custody and general superintendence of the fire-engines, engine-houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires; and it shall be their duty to see that the same are kept in proper order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, and tub and hose men, to the common council at stated periods, to be prescribed by the said council, and to make such reports to the mayor of the said city, whenever required by him; and for any neglect or violation of duty imposed upon them by law, or by the ordinances of the common council, in addition to any penalties that may be imposed, they may be removed from office by the common council, after having had notice of the charges against them, and an opportunity of being heard in their defence.

§ 11. The said engineers, wardens, firemen, hook and ladder men, and tub and hose men, during their continuance in the said offices and appointments, shall respectively be entitled to a deduction of two days in each year from their assessment for highway labor, and shall be exempt from serving in the militia, except in case of war, invasion, or insurrection, and from serving on any jury; and the certificate of the clerk of the said city, dated within two months of the time when the same may be exhibited, stating that any person holds such office or appointment, shall be evidence in all courts and places of such exemption.

Deduction
for highway
labor.

§ 12. Every person who shall have served as a fireman, hook and ladder man, or tub and hose man, in the said city, under the appointment of the common council, for seven years, after he shall have arrived to the age of twenty-one years, shall forever be exempt from serving in the militia, except in case of war, invasion or insurrection, and the certificate of the clerk of the city to such fact, shall be evidence of such exemption in all courts and places.

Privileges of
firemen.

§ 13. The common council may, by ordinance, direct the manner in which the bells in the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling such bells in such manner at any other time than during a fire or an alarm of fire.

Ring-
ing of
bells.

§ 14. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive, either in his person or property, in consequence of his exertions at any fire.

Compensation
for in-
jury.

§ 15. The common council may, by ordinance,

1. Prescribe the duties and power of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires.

Regulations
in cases of
fire.

2. Prescribe the powers and duties of the mayor, aldermen and assistants at such fires and in such cases of alarm, but in no case shall the mayor, or any alderman or assistant, control or direct the chief engineer or his assistant during any fire.

3. Provide for the removal and keeping away from such fires, all idle, disorderly, or suspicious persons, and may confer power for that purpose on the engineers, fire-wardens or officers of the city.

4. Provide for compelling persons to bring their fire-buckets to any place or fire, and to aid in the extinguishment thereof, by forming lines or ranks for the purpose of carrying water, and by all the proper means, and to aid in the preservation, removal and securing of property exposed to danger by such fire.

5. To compel the marshal, constable and watchmen of the city, to be present at such fire, and to perform such duties as the said common council shall prescribe.

Penalty.

§ 16. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor, alderman, or assistant, at any fire, it shall be lawful for the officer giving such order, to arrest, or to direct orally the marshal or constable, watchman or any citizen, to arrest, such person and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement, of any person at such fire, who shall be intoxicated or disorderly.

Buildings
may be
pulled down.

§ 17. When any building in the said city shall be on fire, it shall be the duty and be lawful for the chief engineer, with the consent of the mayor, or any alderman, or for the mayor with the consent of any alderman, or for any two aldermen, to order and direct such building, or any other building, which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed.

Supply of
water.

§ 18. For the purpose of supplying the said city with water for the extinguishment of fires, and for other purposes, the common council may construct aqueducts from the Genesee river, or from any other permanent source, and may lay pipes in the streets and through the land of any person, doing as little damage as may be, and may thereby supply the public cisterns and reservoirs, and also any of the inhabitants of the said city with water, at such rates as may be agreed upon by them and the common council; and if, for such purpose, the common council shall deem it necessary, they may create a stock, to be denominated "the hydraulic stock," not exceeding twenty thousand dollars, in such shares, and bearing such interest, as they may think proper; and may provide for the payment of such interest, and the reimbursement of such stocks by the sums which may be received for the use of such water; and the common council may make all necessary provisions to carry into effect the authority hereby granted them.

TITLE IX.

Of the support of the poor, and of persons likely to become chargeable to the city.

§ 1. The mayor and the aldermen of the said city, by virtue of their offices, shall be overseers of the poor for the said city, and shall possess all the powers and authority of overseers of the poor in the several towns in this state, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who or whose parents shall become chargeable to the said city, or to the county of Monroe, in the said city; the safe keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons; the support of bastards, and proceedings to charge the fathers and mothers of such bastards; and all such other powers as are conferred on overseers of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

§ 2. Until provision shall otherwise be made, as herein after authorized, the indigent persons and such others as shall be entitled to relief under the laws of this state, who are or shall become chargeable, or likely to become chargeable to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Monroe.

§ 3. Whenever the common council shall deem it expedient, they may cause an alms-house to be erected in the said city, being authorized thereto as herein after provided, and appoint so many commissioners to take charge thereof as they shall judge necessary, and may raise the expense thereof and of the maintaining of the said alms-house by a tax or taxes on the real estate within the said city, and on the personal property of residents therein, in the same manner as herein before provided in respect to taxes for the general expenses of the said city. And the same proceedings for that purpose shall be had in all respects.

§ 4. The common council may appoint such other officers and servants for the government and management of the said alms-house as they shall deem necessary, and they, together with the said commissioners, shall hold their appointment during the pleasure of the common council, and the common council shall make such regulations as they shall think necessary for the government, management, support and good order of the said alms-house, its tenants, officers, keepers and servants.

Five overseers may be appointed.

§ 5. The common council may also appoint the said commissioners, or any other citizens of the said city not exceeding five, overseers of the poor, who shall hold their offices at the pleasure of the common council, and who shall thereupon possess all the powers and authority of such overseers, and be subject to all the duties, liabilities, obligations and penalties, herein conferred on the mayor and aldermen of the said city; and the said mayor and aldermen shall thereupon cease to possess any such powers as overseers of the poor, and shall be discharged from all the duties and obligations of such office.

To take oath.

§ 6. The persons appointed commissioners and overseers as aforesaid, shall take the same oath of office, and within the same time shall file the same with the clerk of the city as herein before provided respecting supervisors of the said city, and a neglect therein shall be deemed a refusal to serve.

Their compensation.

§ 7. The common council may provide a reasonable compensation for the services of the said commissioners and overseers, and for such other officers and servants as they may employ in the alms-house, and may require from them such bonds for the faithful discharge of their duties, with such penalties and sureties as they may deem expedient.

Labor in alms-house.

§ 8. The common council may cause such labor in manufactures or otherwise, to be performed by the tenants of such alms-house as they shall prescribe, and may provide the materials and implements therefor at the expense of the city; and they may also erect in the said alms-house, proper cells and rooms for the confinement and care of lunatics and idiots, and may provide for them and for the cure of such lunatics, and may contract with the supervisors of the county of Monroe, and with any person for the support and care, and medical and surgical attendance of any lunatics, idiots, insane, sick, diseased, or maimed persons.

Excise money.

§ 9. All moneys that shall be raised in the said city by licenses to grocers and tavern-keepers to sell liquors and wines, and for penalties for the violation of the excise laws of this state, that shall be paid into the city treasury, shall belong to and constitute a part of the funds of the said city, for the support of the poor therein, and shall be deposited by the treasurer, and accounts thereof shall be kept, and the same shall be drawn in the manner herein before prescribed in relation to the funds of the said city.

Loans.

§ 10. The common council shall have the power to loan such portion of the funds for the support of the poor

in the said city, not necessary for immediate use, upon such security and for such period not exceeding three years, as they may deem proper; but no loan for any longer period than one year shall be made without security by bond and mortgage on real estate.

TITLE X.

Of courts of justice and proceedings therein.

§ 1. The recorder of the city of Rochester alone, or with the mayor, or with any two or more aldermen thereof, and the mayor with any two or more aldermen of the said city, shall hold a court of common pleas, to be called "The Mayor's Court of the city of Rochester," which shall be a court of record, and shall be held six times in each year, commencing on the first Tuesday of every alternate month, and may continue and be held for five days; and the first term thereof shall be held on the first Tuesday of July, eighteen hundred and thirty-four: And shall have power to hear, try and determine according to law, all actions arising within the said city, and not elsewhere; and also all transitory actions against persons who shall have been inhabitants of the said city, for six months next before the commencement of the suit; and all suits brought for penalties in the name or for the use of the mayor and common council of the said city; and shall have jurisdiction in all cases of appeal from and certioraris on judgments rendered by justices of the peace of the said city.

§ 2. The said court shall possess all the powers and authority of courts of common pleas of the several counties of this state in relation to civil actions, and the process and proceedings therein; and all laws regulating the practice of the said courts, conferring judicial powers on them, authorizing the commencement of suits therein, regulating the removal of such suits, and authorizing the issuing of process, shall be applicable to and binding on the said mayor's court.

§ 3. The clerk of the said court shall be appointed by said court, and shall provide, at the expense of the said city, such seal as the common council shall devise and direct, which shall be the seal of the said court; and also such necessary books as may be required for the discharge of his duties as such clerk.

§ 4. The marshal of the said city, and so many constables of the said city as shall be directed by the mayor, and summoned by the said marshal, shall attend the sittings of the said court, and shall receive the same com-

pensation therefor as is by law allowed to constables for attending courts of common pleas.

Criminal
jurisdiction.

§ 5. The said mayor's court shall also have criminal jurisdiction as a court of special sessions of the peace, in the same manner and to the same extent as any three justices of the peace, under the provisions of the first article of the second chapter of the fourth part of the Revised Statutes; and shall proceed therein in the manner prescribed in the said article and in the third article of the same chapter, except as herein otherwise provided: And the said first and third articles, and the fourth article of the same chapter, shall be applicable to and control and regulate the jurisdiction and proceedings of the said court, so far as the same may be applicable.

Persons
charged may
request to be
tried in said
court.

§ 6. Whenever any person charged in the said city of Rochester with any offence triable in the said mayor's court, shall request to be tried by the said court, it shall be the duty of the magistrate before whom such person shall have been brought, to certify such charge and request to the said mayor's court under his hand, particularly specifying the offence charged, and to file the same with the clerk of the said court, and to bind over the witnesses in support of such prosecution to appear at the next term of the said court, and also to take a recognizance of the person so charged, with sufficient sureties for his appearance at the said court, in case he offers the same.

In court of
special ses-
sions.

§ 7. Whenever any person charged in the said city of Rochester, with any offence triable in the said mayor's court, requests to be tried by the ordinary court of special sessions, or shall not make any request on the subject, or after having been required by the magistrate, shall omit for twenty-four hours to give bail for his appearance at the next court of general sessions or court of oyer and terminer to be held in and for the said county of Monroe, the said magistrate may in like manner certify the said charge and the facts of the case to the said mayor's court, and file the same in the office of the clerk thereof, and in like manner bind over the witnesses to appear in the said court.

Prisoner to
plead to
charge.

§ 8. The said court shall thereupon cause the prisoner or person so charged, to be brought before them, and the charge against him as contained in the warrant of arrest or commitment, or as certified to the said court, shall be read to him, and he shall be required to plead thereto.

Proceedings.

§ 9. The said court shall proceed on such plea in the same manner as courts of general sessions of the peace

in indictments before them, and if an issue shall be joined, shall try the same by the jury returned to the said court; but no bills of exception shall be allowed, and the said court shall have the same powers and authority in all respects in relation to the said charge, and the proceedings thereon, as are conferred by law on courts of general sessions of the peace, and shall make up and file with the clerk of the court, a record of conviction in the manner directed by law in respect to the courts of special sessions, held in any other county than New-York.

§ 10. When any indictment shall be found in the court of general sessions or court of oyer and terminer of the county of Monroe, triable by a court of special sessions, for any offence committed in the city of Rochester, and the trial of the same shall be postponed, if any defendant in such indictment shall be in actual custody, the said court of general sessions or court of oyer and terminer may order the said indictment to be transmitted to the mayor's court of the city of Rochester, and shall bind over the witnesses to appear at the said court at the next term thereof: and the said mayor's court shall proceed thereon in the same manner as the said court of general sessions might have done, and the proceedings thereon shall in all respects be the same as on indictments in the said court of general sessions.

Indictments found in county courts may be sent to mayor's court.

§ 11. Whenever any indictment shall be found in the said court of general sessions, or court of oyer and terminer, for any offence committed in the said city of Rochester, triable in the said mayor's court, when certified by a magistrate, as herein before provided, the said court of general sessions, or court of oyer and terminer, may direct the same to be transmitted to the said mayor's court, who shall proceed thereon as provided in the last preceding section.

§ 12. From the duplicate lists of petit jurors, returned by supervisors and assessors of the several districts of the said city, and filed in the office of the clerk thereof, as herein before directed, the said clerk shall write on separate pieces of paper the names of the persons contained in the said lists, with their additions and places of residence, and deposit the same in a box to be provided for that purpose; and fourteen days before the holding of any term of the mayor's court of the said city, the said clerk, in the presence of the marshal of the said city, or one of the aldermen of the said city, shall draw out the names of twenty-four persons to serve as petit jurors at such court, without any previous notice for that purpose.

Lists of petit jurors.

Drawing how
to be con-
ducted.

§ 13. The said drawing shall be conducted in the manner prescribed by law in relation to the drawing of petit jurors by clerks of counties, and a list of the names of the persons so drawn, certified by the clerk and the attending officer, shall be delivered to the marshal, who shall summon the persons so named, in the manner sheriffs are required to summon petit jurors to attend courts of common pleas, and shall in like manner return the said list to the court, specifying who were summoned and the manner in which each person was notified.

Powers of
court.

§ 14. The said court shall possess the same powers to fine any of the persons so summoned as jurors, and to excuse and discharge them in like cases, and in default of jurors to order by standers to be summoned, as are vested by law in other courts of record; and the clerk of the said court shall make the same disposition of the ballots containing the names of the jurors who shall have served, and of those who did not appear, and of those who were discharged, as is provided by law in respect to other courts of record.

Venire.

§ 15. Until jury lists shall be returned to the clerk's office by the supervisors and assessors, as herein before provided, the clerk of the said mayor's court shall, at least eight days before the sitting of any such court, issue a venire under the seal thereof, to the marshal, commanding him to summon twenty-four persons, inhabitants of the said city of Rochester, qualified by law to serve as jurors, to attend such court as petit jurors, for the trial of all issues joined therein; by virtue of which the said marshal shall summon twenty-four persons, inhabitants of the said city, qualified to serve as jurors as aforesaid, in the same manner as herein before provided in respect to lists of jurors delivered to him by the said clerk, and shall return the said venire with a list of the persons so summoned, specifying the manner of notifying them, upon which the same proceedings shall be had as herein before provided.

When not to
be issued.

§ 16. If at any time there shall not be a notice of trial in any civil cause, left with the clerk of the said court at least eight days previous to any term thereof, and there shall not be filed any charge for any criminal offence with such clerk as herein before provided, eight days before such term, and there shall not be any indictment pending in the said court transmitted as aforesaid, the said clerk shall not issue any venire as above provided; and he shall certify to the marshal, that there is no such notice of trial, charge or indictment, which certificate shall prevent the

said marshal from summoning any jurors pursuant to any venire or any list of jurors delivered to him as aforesaid.

§ 17. The jurors who shall attend the said mayor's court shall receive twenty-five cents each for every civil cause in which they may be impanelled as jurors. Pay of jurors.

§ 18. The district attorney of the county of Monroe shall prosecute all indictments which shall be transmitted to the said mayor's court, in the same manner, and shall receive the same fees, to be paid in the same manner, as if such indictment had been tried in the court of general sessions, and shall have the same power in all respects. District attor-ney.

§ 19. The common council may direct the attorney and counsel for the corporation to conduct criminal prosecutions in the said mayor's court, upon charges for offences filed therein, as herein provided, and may make such provisions for his compensation as may be just. Corporation attorney.

§ 20. In conducting such prosecutions, such city attorney and counsel shall possess all the powers and authority of a district attorney. His powers.

§ 21. The recorder of the said city shall be entitled to a fee of seventy-five cents on the first motion that shall be made in the said court in any civil cause, and the counsellors, attorneys and inferior officers of the said court, shall be entitled to the same fees and compensation for services rendered therein, and for attendance at the terms of the said court, as are provided by law for similar services in and attendance on courts of common pleas and general sessions of the peace in counties of this state; and such of the said fees and compensation as are charges against the public, shall be paid by the common council of the said city. Recorder's fee.

§ 22. Persons convicted of any criminal charge on conviction, or upon charge or conviction for violation of the laws of this state in the said city, shall be confined in the county jail of the county of Monroe, in the same manner as when committed by the justices of any town in the said county, until the common council shall erect a penitentiary therein, when such persons as shall not be committed to such penitentiary shall be committed to and confined in the said jail. Imprisonment of convicts.

§ 23. Whenever the common council shall be of opinion that a penitentiary, or bridewell, or alms-house in the said city is necessary, they shall ascertain the opinions of the electors of the said city on the subject, by ballot at the annual election, and if approved by the electors, may direct the construction of a penitentiary, or bridewell, or alms-house, and purchase a site therefor, and for those Penitentiary or bridewell.

purposes may cause the necessary sums to be levied and raised by tax, upon the real estate within the said city, and on the personal property of the inhabitants thereof, in the same manner in all respects as herein before provided in relation to other taxes of the said city, and shall proceed in like manner and with like effect.

How to be regulated.

§ 24. Such penitentiary, or bridewell, or alms-house, shall be subject to the control and regulation of the common council, who shall appoint the necessary officers therefor, and prescribe their duties and powers, and the expense thereof shall be defrayed as part of the contingent expenses of the said city.

Police justice.

§ 25. The common council may appoint any justice of the peace in the said city, police justice thereof, and prescribe his duties in relation to the preservation of peace and good order, the prevention of offences and the punishment of offenders, and may direct the marshal of the city to attend such justice and execute his orders and process, and may make provision for compensating such justice and marshal.

Expenses.

§ 26. The expense of apprehending, examining, trying and committing offenders against any law of the state in the said city, and of their confinement, shall be audited, allowed, and paid by the supervisors of the county of Monroe, in the same manner as if such expenses had been incurred in any town of the said county.

Marshal.

§ 27. The marshal of the said city shall execute all process issuing out of the mayor's court of the said city, in the same manner as provided by law in respect to the execution by sheriffs of process issued by the court of common pleas of the county of Monroe, and shall be liable for any delinquency or neglect therein, in like manner.

Suits to recover penalties.

§ 28. Suits brought to recover any forfeiture or penalty for the violation of any ordinance of the common council of the said city, shall be prosecuted under the direction of such officer as the common council may direct; and whenever such penalty or forfeiture amounts to twenty-five dollars or more, a suit for the recovery thereof, may be brought in the mayor's court of the said city, but in such cases no greater amount of costs shall be taxed in any event, than could have been recovered by either party if such suit had been brought before a justice of the peace.

How to be conducted.

§ 29. In any suit to recover any penalty or forfeiture for the violation of any ordinance of the common council, the first process shall be a warrant or summons at the option of the plaintiff, if before a justice, and by writ re-

quiring bail if in the mayor's court; and the plaintiff may declare generally in action of debt or assumpsit and give the special matter in evidence; and the defendant may plead the general issue, and give the special matter in evidence without any further notice for that purpose: and no inhabitant, freeman, or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceedings in such suit, nor from being a witness, or serving any process, or summoning a jury in such suit, or from acting in any such capacity, or being a witness in the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation, the mayor and common council of the said city are a party, or in which they are interested.

§ 30. Every execution for any penalty or forfeiture recovered for the violation of any ordinance of the corporation, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary for such time as shall have been directed by the common council. Execution.

§ 31. The common council may direct any moneys that may have been recovered for penalties or forfeitures, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits. Money recovered how to be applied.

TITLE XI.

Miscellaneous Provisions.

§ 1. The act to incorporate the village of Rochester, passed April 10, 1826, and all acts supplementary or amendatory thereof, are hereby repealed from and after the first Monday of June, one thousand eight hundred and thirty-four; but the trustees of the said village may, and all officers appointed by them shall continue to exercise and discharge their functions and duties as such trustees and officers until a common council shall be organized under this act; and the ordinances and by-laws of the said trustees shall remain in full force until the same shall be repealed by the common council; and the terms "village," "trustees of the village of Rochester," and all other terms in such by-laws and ordinances relating and applicable to the village incorporation and its officers shall be deemed to mean and apply to the city of Rochester, the common council thereof, and to the officers of the Former acts hereby repealed.

Distribution
of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person directly or indirectly, or otherwise in trust, more than one hundred shares of said stock, if, without such allowance, the whole stock be taken.

Names to be
published.

§ 11. The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the city of New-York, a full and complete statement of all the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners.

Expense.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed.

Restriction

§ 13. No corporation, having banking powers under the authority of this state or of the United States, shall be permitted or authorized directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

Directors

§ 14. The stock, property and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders thereof and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in

any manner whatsoever for any other person, at least ten shares of the stock of the said corporation.

§ 15. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the city of New-York, as shall be directed by the commissioners herein before appointed, or a majority of them; and the said commissioners are hereby appointed inspectors of such first election; and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed. First election.

§ 16. The directors for every subsequent year, shall be elected on the second Tuesday of June of each year, at such time of the day, and at such place in the city of New-York, as a majority of the directors for the time being shall, by a resolution to be entered in their minutes, appoint, and shall hold their offices one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied corporation, shall be eligible to the office of director in the corporation hereby created. Subsequent elections.

§ 17. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the city of New-York, and in the state paper. Notice.

§ 18. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, including all shares which may be held by any other person in trust for him, no more than four hundred votes shall be given upon all such shares. Votes.

§ 19. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have Ballot.

Distribution
of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person directly or indirectly, or otherwise in trust, more than one hundred shares of said stock, if, without such allowance, the whole stock be taken.

Names to be
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§ 11. The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the city of New-York, a full and complete statement of all the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners.

Expense.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed.

Restriction

§ 13. No corporation, having banking powers under the authority of this state or of the United States, shall be permitted or authorized directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

Directors

§ 14. The stock, property and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders thereof and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in

any manner whatsoever for any other person, at least ten shares of the stock of the said corporation.

§ 15. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the city of New-York, as shall be directed by the commissioners herein before appointed, or a majority of them; and the said commissioners are hereby appointed inspectors of such first election; and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed. First election.

§ 16. The directors for every subsequent year, shall be elected on the second Tuesday of June of each year, at such time of the day, and at such place in the city of New-York, as a majority of the directors for the time being shall, by a resolution to be entered in their minutes, appoint, and shall hold their offices one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied corporation, shall be eligible to the office of director in the corporation hereby created. Subsequent elections.

§ 17. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the city of New-York, and in the state paper. Notice.

§ 18. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, including all shares which may be held by any other person in trust for him, no more than four hundred votes shall be given upon all such shares. Votes.

§ 19. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have Ballot.

been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes shall be director or directors, or inspector or inspectors, so as to complete the whole number.

Vacancies. § 20. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person possessing the qualifications as to ownership of stock, and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

President. § 21. The directors elected, as soon as may be after their election, shall proceed in like manner, to elect one of their number by ballot to be their president.

Banking when to commence. § 22. The said corporation shall not commence the business of banking, until the whole of the capital stock shall have been paid to the said corporation, in specie or current bank bills; and an affidavit shall have been made by the president and cashier of the said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholder to pay the amount of his shares or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation; and any person guilty of any false swearing in any such oath, shall be subject to the pains and penalties of perjury.

Calls on stockholders. § 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under the pain of the forfeiture of the shares upon which such payments are required, and all previous payment thereon, to the said corporation.

Notice thereof. § 24. The directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the city of New-York and in the state paper; which notice so published, shall be a sufficient call on each stockholder, to authorize in case of his default to comply therewith, the forfeiture above provided.

Bills, &c. assignable. § 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation,

shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt assigned by the said corporation by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation.

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they or a majority of them shall deem advisable. Dividends.

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book to be kept for that purpose by the directors of such corporation, which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession, any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused; and of any stockholder of the said corporation. Transfers.

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made. Penalty.

§ 29. If at any time the corporation hereby created shall neglect or refuse, for ten days after demand at their banking-house, during the regular hours of business, to redeem in specie any evidence of debt issued by the said corporation, the said company shall discontinue and close all its operations and business, except the securing and collecting of debts due or becoming due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations, under the section next following. In case of neglect or refusal to redeem notes.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the said corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an or- Application to chancellor.

der to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Damages.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon.

Restriction.

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes, or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said "Commercial Bank in the city of New-York;" and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state.

General powers.

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following, or by this act, in respect to the corporation created hereby.

Act of April 2, 1829.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, and the act amending the same, so far as the same shall be in force at the time of passing this act.

Loans.

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock as security for the making any loan or discount by such corporation.

Amount of circulation.

§ 36. It shall not be lawful for said corporation to issue or to have outstanding or in circulation at any time, an amount of notes or bills loaned or put in circulation as money, exceeding once and an half its capital stock then paid in and actually possessed.

Right to repeal.

§ 37. The legislature may at any time modify, alter or repeal this act.

CHAP. 201.

AN ACT *respecting the salt springs in the county of Onondaga, and regulating the manufacture of salt therein.*

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be the duty of the canal commissioners to annul the leases of surplus waters at Salina and Syracuse, which contain provisions reserving the right to annul the same, whenever, in the opinion of the superintendent and inspector of the Onondaga salt springs, to be certified by them, such surplus water shall be necessary to drive the pumps and machinery heretofore or hereafter to be erected for pumping salt water at any place or places on the Salina level, and the contracts of the state in relation to the manufacture of salt and the better accommodation of the manufactures shall require such use of said surplus water; and the fifty-fourth section of the tenth title of the ninth chapter of the Revised Statutes, shall be deemed to authorize the superintendent of the salt springs to take so much of the surplus water of the Erie canal, upon the Salina level, as may be necessary to drive such pumps and machinery, at any place which the interest of the state, in his opinion, may require.

Certain leases may be annulled.

§ 2. To carry into effect the intention of the eighty-seventh section of the said tenth title of the said ninth chapter, whenever the superintendent or inspector shall suspect that the quality of salt made at any manufactory is not fairly accounted for, or that frauds have been practised to injure the quality of the salt, or to evade the payment of the duties thereon, it shall be the duty of any justice of the peace of the town of Salina, to whom the superintendent or inspector may apply, to issue process requiring every owner or occupant, or other person having carried on such manufactory, and any laborer who shall have been employed in and about the same, as boiler, packer or otherwise, forthwith to appear before him to answer on oath such questions as may be material to test the correctness of such suspicion; but such examination shall not relate to any transactions more than sixty days previous thereto.

Investigation

§ 3. If any owner or occupant of a manufactory shall refuse to submit to such examination, or shall not, in the opinion of the said justice, answer fully to the questions lawfully put to him in relation to the matter so inquired into, the said superintendent and inspector may suspend

Penalty for refusing to answer.

the right of the said owner or occupant to carry on his said manufactory, for any time not exceeding three months at any one time.

Persons may
be dismissed.

§ 4. If any person who shall have been employed as boiler, packer or otherwise, in or about such manufactory, within sixty days previous to such examination, shall refuse to submit to such examination, or shall not, in the opinion of said justice, answer fully to the questions lawfully put to him in relation to the matters so inquired into, it shall be the duty of the owner or occupant, or person carrying on such manufactory, upon notice from the superintendent and inspector of such refusal, to dismiss the person so refusing, from all employment in or about such manufactory, for a period not exceeding three months.

Suspension

§ 5. If any manufacturer of salt shall, after notice given by the superintendent and inspector, of the refusal of such laborer to be examined, or to answer fully as aforesaid, and before the expiration of the period of his dismissal, employ or retain any such laborer, so refusing or not answering fully as aforesaid, in or about his salt manufactory, as boiler, packer or otherwise, it shall be lawful for the said superintendent and inspector to suspend the right of the said manufacturer to carry on or work his salt manufactory for such period as they may deem proper, not exceeding three months at any one time.

Penalty.

§ 6. If any salt manufacturer, whose right to carry on his works shall be suspended, pursuant to the third and fifth sections of this act, shall set his works in operation before the period of such suspension has expired, the same penalty and forfeiture shall be incurred by such manufacturer as is provided by the eighty-eighth section of the above title.

It.

§ 7. Any person being lawfully sworn, who shall upon such examination wilfully and corruptly swear false as to any matter material and pertinent upon the said examination, he shall be deemed guilty of perjury.

Saving
clause.

§ 8. The examination of any person taken pursuant to the above provisions, shall not be admissible as evidence against such person in any criminal or penal action, unless it be for a perjury committed on such examination.

Process.

§ 9. Whenever the superintendent shall suspect that any of the laws relating to the inspection of salt, or the payment of duties thereon, or otherwise, by which a penalty may have been incurred, for which it is his special duty to prosecute, has been violated, he may apply to any magistrate authorized to issue process in criminal ca-

ses, for process to bring before him any person suspected to be a material witness touching such alleged violation of law.

§ 10. Such magistrate shall have the like powers to Witnesses. compel the witnesses to attend before him, and to give testimony, as he now possesses in cases brought before him upon complaints for such crimes as may be presented by indictment.

§ 11. Such witnesses shall be fully examined by the May be fully examined. magistrate upon all proper points required by the superintendent touching such suspected violation of the law, his testimony shall be reduced to writing, subscribed by the witness and certified by the magistrate, and delivered to the superintendent.

§ 12. The magistrate shall have the like power to se- Power of magistrate. cure the attendance of the witnesses before any court for such penalty, when required by the superintendent, as he may now exercise in criminal cases.

§ 13. Whenever the quantity of salt removed contrary Fractional parts of bushel. to the one hundred and forty-first or one hundred and forty-second sections of said title, shall be either a fractional part of a bushel, or one or more bushels and a fractional part of a bushel, such part of the penalty of five dollars as such fractional part shall bear to a bushel, shall be incurred and forfeited, and sued for and recovered, in the same manner as is provided by the said sections for said penalty of five dollars, and all the provisions of law respecting the said penalty of five dollars shall be deemed to apply to such proportional part of such penalty.

§ 14. If any person shall remove, or cause or procure Penalty for removing salt without being inspected. to be removed, any salt from the place where the same shall have been manufactured, before it shall have been regularly inspected, unless it be to the inspector's office, kept in the village where the same was manufactured, for the purpose of inspection, or to such safe and secure place in the village where it was manufactured, as shall be approved by the inspector, the keys of which shall be kept by him, then the person so removing or causing or procuring such salt to be so removed, shall, as to the said salt so removed, forfeit the same penalties as are prescribed by the one hundred and forty-first and one hundred and forty-second sections for removing salt from any manufactory, storehouse or place of deposit, before it shall have been inspected, and the duties thereon paid, or the payment of the duties and all the provisions of the law for the collection or enforcement of the said penalties, prescribed by the said one hundred and forty-first and one hundred

and forty-second sections, shall be enforced, and be deemed to apply to the penalties prescribed by this section.

Proof.

§ 15. In every suit brought for the recovery of any penalty or forfeiture, claimed to have been incurred, according to the said one hundred and forty-first or one hundred and forty-second sections of said tenth title, or according to the fourteenth section of this act, if it shall be made to appear that the defendant on trial was concerned in removing the salt which shall be in question in such cause, from any manufactory of salt in the town of Salina, or from any storehouse or place of deposit for the same in said town, the burthen of proof shall rest upon such defendant to show that the duties have been actually paid upon all the salt so in question in such cause, previous to his removal thereof.

Bond with surety may be taken.

§ 16. Where any property shall be seized by any officer under the one hundred and forty-fourth section of said tenth title, the owner of such property may obtain possession of the same by giving a bond, with sureties, to the superintendent of said salt springs, for the return of such property to such officer whenever judgment shall be obtained in the suit commenced to recover the forfeiture incurred, to secure which such seizure shall be made. The bond shall be in such form and with such sureties as either the superintendent, inspector or first judge of the county of Onondaga shall approve.

Or the property may be sold.

§ 17. If such bond shall not be given within twenty days after the seizure of the property, the superintendent may cause the property so seized, or so much thereof as he may consider necessary to satisfy any judgment which may be recovered for any penalty to secure which such seizure shall have been made, to be sold at public auction, on giving such notice as sheriffs are required to give of the sale of personal property on execution, and retain the proceeds thereof to satisfy such judgment, and pay over the balance, if any there shall be, to any person legally entitled to the same, after such judgment shall have been obtained.

Defendant may be imprisoned.

§ 18. Whenever a judgment shall be recovered in a court of record for any penalty or forfeiture incurred under the one hundred and forty-second section of the said tenth title, or under this act, and an execution thereon against property shall have been returned unsatisfied, in whole or in part, the defendant, upon any execution against his body, shall be imprisoned within the walls of the prison in the manner provided by the one hundred and fifty-ninth section of the said title, one day for each dollar in the penalty recovered in such cause, and remaining

unpaid, without bail, unless he shall sooner satisfy such execution.

§ 19. If at any time any defendant so committed to jail shall be found without the walls of the jail before he is entitled to his discharge, it shall be deemed an escape, and the sheriff shall be liable for the amount due on the execution.

§ 20. The superintendent shall be entitled to a salary of fifteen hundred dollars a year for his services, to be deducted monthly from the public moneys received by him; his principal deputy, at each of the villages of Syracuse and Salina, shall be entitled to the sum of six hundred dollars annually, and at Liverpool and Geddes, the sum of four hundred dollars annually, for their services, to be paid in like manner.

§ 21. The inspector shall be allowed a salary of fifteen hundred dollars a year for his services, to be paid to him monthly by the superintendent; his principal deputy at Syracuse and Salina, shall each be allowed the sum of seven hundred dollars, and at Liverpool and Geddes, the sum of five hundred and fifty dollars annually, for their services, to be paid to them monthly by the superintendent.

§ 22. The superintendent and inspector may, for such part of the year as they deem absolutely necessary, certify that any assistant deputy inspectors are necessary, who may then be appointed by the inspector at such place as shall be so certified to be necessary; and the superintendent shall pay to such assistants, in the manner prescribed by the two last sections, the sum of thirty dollars per month for their services while actually employed.

§ 23. It shall be the duty of the manufacturer to brand the name of the village in which his block of kettles is located, upon every barrel of salt which he may require to be inspected; and the inspector shall not affix his brand to any barrel of salt which shall not have been so branded by the manufacturers offering the same for inspection.

§ 24. The thirty-sixth and sixty-third sections of the said tenth title of said ninth chapter, are hereby repealed.

CHAP. 202.

AN ACT *authorizing the holding of a special town meeting in the town of Blenheim, in the county of Schoharie.*

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Special
meeting to be
called.

§ 1. It shall be the duty of the town clerk of the town of Blenheim, in the county of Schoharie, within twenty days after this act shall take effect, to call a special town meeting in said town for the purpose of choosing a supervisor thereof.

Notice.

§ 2. The said town clerk shall give the same notice of said town meeting as is required in part first, chapter eleventh, title second, article first of the Revised Statutes; and the said town meeting shall be in all respects conducted as special town meetings are required to be conducted by the said Revised Statutes.

Act to take
effect.

§ 3. This act shall take effect immediately after the passage thereof.

CHAP. 203.

AN ACT *to confirm the proceedings of the inhabitants and trustees of the village of Penn-Yan, and to amend an act entitled, "An act to incorporate the village of Penn-Yan, in the county of Yates," passed April 29th, 1833.*

Passed April 28, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Acts confirm-
ed.

§ 1. All the acts heretofore done by the trustees and other officers of the village of Penn-Yan, elected on the first Tuesday of May, one thousand eight hundred and thirty-three, are hereby declared to be as valid and effectual to all intents and purposes, as if they had been elected on the first Monday of June.

Act revived.

§ 2. The provisions of the act entitled, "An act to incorporate the village of Penn-Yan, in the county of Yates," passed April 29th, 1833, are hereby revived and continued, and the first annual meeting of the said inhabitants shall be held on the first Monday in June next, at two o'clock in the afternoon, at the court-house in said village. Every annual meeting thereafter shall be held at such time

'as shall have been designated therefor, at the next preceding annual meeting at the court-house aforesaid. The trustees may call special meetings.

§ 3. This act shall take effect immediately after passage thereof. Act to take effect.

CHAP. 204.

AN ACT to incorporate the *Sacket's-Harbor bank*.

Passed April 28, 1884.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. There shall be established in the village of Sacket's-Harbor and county of Jefferson, a bank, to be called Name "The Sacket's-Harbor Bank," whose operations of discount and deposit shall be carried on in the village of Sacket's-Harbor, and not elsewhere.

§ 2. All persons who shall become holders of the capital stock of the said bank pursuant to this act, shall be, Corporation created. and they are hereby constituted a body corporate, by the name of "The Sacket's-Harbor Bank;" and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-five.

§ 3. The said corporation shall have power to carry on Banking powers. the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt; and by exercising such other incidental powers as shall be necessary to carry on such business.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be, Real estate.

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restrictions § 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock. § 6. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into four thousand shares of fifty dollars each; and Thomas Loomis, Jesse Smith, Daniel Wardwell, Thomas J. Angel, Azariah Walton, Joseph Shelden, Woodbridge C. George, Henry H. Coffin and Noadiah Hubbard, are hereby appointed commissioners to receive subscriptions for and distribute the capital stock.

Subscription book. § 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in the village of Sacket's-Harbor as they shall appoint; and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in that village, and in the state paper.

To be kept open three days. § 8. The book for subscriptions shall be kept open at least three days, for six hours each day; and the sum of five dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payments shall be made in specie or current bank bills; and no check, draft or certificate of deposit shall be received.

Additional subscriptions. § 9. If the whole of the capital stock be not taken during the said three days, the commissioners may receive further subscriptions, on such other day and at such place in the village of Sacket's-Harbor, as they or a majority of them shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act.

Distribution of stock. § 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person, directly or indirectly, in trust or otherwise, more than one hundred

shares of said stock, if, without such allowance, the whole stock be taken. .

§ 11: The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the county of Jefferson, a full and complete statement of all the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners. Names to be published.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed. Expenses.

§ 13. No corporation, having banking powers under the authority of this state or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund. Restriction.

§ 14. The stock, property and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of the said corporation. Directors.

§ 15. The first election for directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the village of Sacket's-Harbor as shall be directed by the commissioners herein before appointed, and the said commissioners are hereby appointed inspectors of such first election. First election.

tion; and the directors then to be elected shall hold their offices until the second Tuesday in June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed.

Subsequent elections.

§ 16. The directors for every subsequent year, shall be elected on the second Tuesday of June of every year, at such time of the day, and at such place within the village of Sacket's-Harbor as a majority of the directors for the time being shall, by a resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied corporation, shall be eligible to the office of director in the corporation hereby created.

Notice.

§ 17. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said village of Sacket's-Harbor, and in the state paper.

Voting.

§ 18. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, including all shares which may be held by any other person in trust for him, no more than four hundred votes shall be given upon all such shares.

By ballot.

§ 19. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes shall be director or directors, or inspector or inspectors, so as to complete the whole number.

Vacancies.

§ 20. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen,

by such person possessing the qualifications as to ownership of stock, and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

§ 21. The directors elected, as soon as may be after ^{President.} their election, shall proceed in like manner, to elect one of their number by ballot, to be their president.

§ 22. The said corporation shall not commence the business of banking, until the whole of the capital stock shall have been paid to the said corporation, in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholder to pay the amount of his shares, or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation; and any person guilty of any false swearing in any such oath, shall be subject to the pains and penalties of perjury. ^{Banking when to commence.}

§ 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under the pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation. ^{Calls on stockholders.}

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the village of Sackett's-Harbor, and in the state paper; which notice so to be published, shall be a sufficient call upon each stockholder, to authorize, in case of his default to comply therewith, the forfeiture above provided. ^{Notice thereof.}

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt assigned by the said corporation by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation. ^{Bills, &c assignable.}

Dividends.

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they or a majority of them shall deem advisable.

Transfers.

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book to be kept by the directors of such corporation for that purpose; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession, any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused; and of any stockholder of the said corporation.

Penalty.

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

In case of
neglect or re-
fusal to re-
deem bills.

§ 29. If at any time the corporation hereby created, shall neglect or refuse, for ten days after demand at their banking-house, during the regular hours of business, to redeem in specie, any evidence of debt issued by the said corporation, the said president, directors and company shall discontinue and close all its operations and business, except the securing and collecting of debts due or to become due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations, under the section next following.

Application
to chancel-
lor.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Damages.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal, until the payment of such evidence of debt and the damages thereon.

§ 32. It shall not be lawful for the said corporation to Restriction. redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said "Sacket's-Harbor Bank;" and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state.

§ 33. The said corporation shall possess the general General powers. powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following, or by this act, in respect to the corporation created hereby.

§ 34. The said corporation shall also be subject to Act of April 2, 1829. the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829, and the act amending the same, so far as the same shall be in force at the time of passing this act.

§ 35. It shall not be lawful for the said corporation to Loans. take a hypothecation of its own stock, as security for the making any loan or discount by such corporation.

§ 36. It shall not be lawful for said corporation to is- Amount of circulation. sue, or to have outstanding or in circulation, at any time, an amount of notes or bills loaned or put in circulation as money, exceeding once and an half its capital stock then paid in and actually possessed.

§ 37. The legislature may at any time alter, modify or Right to repeal. repeal this act, or any of its provisions.

CHAP. 205.

AN ACT to incorporate the Schenectady savings bank.

Passed April 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Joseph C. Yates, Archibald Craig, Harmanus Corporation created. Peek, Thomas Palmer, Ephraim Benedict, William Cunningham, Alonzo C. Paige, Harvey Davis, William A. S. North, Archibald Campbell, George M'Queen, John Pangburn and Cornelius C. Van Vranken, and their successors,

are constituted and created a body corporate and politic, by the name of "The Schenectady Savings Bank."

Real estate.

§ 2. The said corporation shall not take and hold real and personal estate above the annual value of five thousand dollars, exclusive of the profits which may arise from the interest accruing on the stock, or other securities taken on the investment of the deposits made in said bank, or from a sale or transfer of any stock or securities.

Trustees to have no pay.

§ 3. The trustees or managers of the said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

Officers.

§ 4. The officers of the said corporation shall consist of a president and vice-president, who, together with eleven trustees, shall constitute a board of managers; seven of whom, if the president or vice-presidents be present, shall constitute a legal meeting of such board for the transaction of business.

First trustees.

§ 5. The several persons named in the first section of this act, shall be the first trustees and managers of said corporation, and shall elect from their number the president and vice-president; and all vacancies by death, resignation or otherwise, either in the office of president, vice-president or trustee, shall be filled by the board of managers at their first regular meeting after such vacancy shall occur, by ballot; and the person having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise.

Deposites.

§ 6. The said corporation shall receive as deposits, all sums that may be offered for that purpose, in such sums and on such terms as are allowed by this act, for the purpose of being invested in government securities, or in any public stock created under and by virtue of any law of the United States or of the state of New-York, or of any other of the United States, or of being loaned out upon bond and mortgage on unincumbered real estate of double the value of the sum loaned, exclusive of buildings thereon; and such deposits shall be repaid to each depositor when required, at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, and shall not be altered so as to affect any one who may have been a depositor previous to such alteration, until after personal notice thereof.

Restrictions.

§ 7. No president, vice-president, trustee, or other officer of the said corporation, shall directly or indirectly,

borrow or use the funds of the corporation, except to pay the necessary current expenses: and all certificates or evidences of deposit made by the proper officer, shall be as effectual to bind the corporation as if they were under the common seal thereof.

§ 8. It shall be the duty of the board of managers of said bank, to regulate the rate of interest to be allowed to the depositors, so that they shall receive a rateable proportion of all the profits of the said bank, after deducting all necessary expenses hereinafter directed to be incurred. Rate of interest.

§ 9. The subordinate officers and agents of said corporation, shall respectively give such security for their fidelity and good conduct, as the board of managers may from time to time require: and said board shall fix the salaries of such officers and agents. Officers to give security.

§ 10. The corporation shall make an annual report to the legislature of this state of their funds and investments. Annual report.

§ 11. The books of said corporation shall at all times during their hours of business, be open for inspection and examination to the comptroller of this state, and such other persons as the legislature shall designate or appoint. Books

§ 12. When any deposit shall be made by a person being a minor, the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor; and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor, if such deposit was personally made by such minor. Minors.

§ 13. The amount of deposits receivable by said corporation shall not exceed five hundred thousand dollars. Amount of deposits.

§ 14. The said board of trustees may from time to time regulate the rate of interest to be allowed to depositors, so that the interest allowed to depositors having five hundred dollars or more deposited with the said bank, shall be at least one per cent less than the interest allowed to others. Interest.

§ 15. The said board of trustees shall once in three years report to the legislature the amount of unclaimed deposits on hand, and the interest thereon, and the names of all depositors who have not within twelve months prior to said report received any dividend. Unclaimed deposits.

§ 16. This corporation shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes. General provisions.

§ 17. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 206.

AN ACT to incorporate the Clinton liberal institute.

Passed April 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Robert M'Kinstry, N. M. Woodruff, E. Merri-
man, E. D. Wright, J. D. Landon, U. F. Doubleday, A.
Avery, N. Williams, A. Cook, E. Bradford, J. Currie, S.
Bingham, E. Peck, S. Lyon, E. Swift, Thomas Dean, A.
S. Pond and A. Stebbins, and their associates, are hereby
constituted a body corporate and politic, for the purpose
of providing a literary seminary for the public instruction
and education of youth, by the name and style of "The
Clinton Liberal Institute;" and by that name they and
their successors may sue and be sued in any court of law
or equity, may have a common seal, may alter the same
at pleasure, and may purchase, take, hold and enjoy, sell,
transfer and convey, under their corporate seal, any real
or personal estate, or both, for the purpose of enabling
them to carry into effect the object of the said associa-
tion, to the amount of the annual income of twenty thou-
sand dollars.

Trustees.

§ 2. There shall be eighteen trustees of said institute,
to be elected in the manner pointed out by the constitution
and by-laws of said institute.

First trustees.

§ 3. The first trustees of said institute shall be the per-
sons named in the first section of this act, and shall hold
their office until others are appointed in their place.

Bylaws.

§ 4. The trustees shall have power to make, constitute,
ordain and establish, such by-laws and regulations as they
shall judge proper for the election of their officers and
prescribing their proper functions, and for the government
of the said institute: But said corporation shall not have
power to grant diplomas.

Executive
committee.

§ 5. There shall be an executive committee, consisting
of five persons, to be appointed annually by the trustees
from among the stockholders of the institute, whose pow-
ers and duties shall be prescribed by the constitution and
by-laws of said institute.

Officers.

§ 6. The officers of said institute shall consist of a
principal, treasurer, secretary, and as many professors
and assistants as the trustees may from time to time ap-
point, all of whom shall be appointed by said trustees.

Annual
meeting.

§ 7. There shall be an annual meeting of the trustees
at the building of the institute, to be held on the Tuesday

next preceding the fourth Wednesday in September in each year.

§ 8. The institution hereby created shall be entitled to a distributive share of the literature fund, upon complying with the terms prescribed by the regents of the university in respect to academies. Literature fund.

§ 9. The legislature may at any time repeal, alter or modify this act. Right to repeal.

§ 10. The said institution shall possess all the powers of corporations, and be subject to all the provisions contained in the third title of chapter eighteen of the first part of the Revised Statutes. General powers.

CHAP. 207.

AN ACT to amend an act entitled "*An act to incorporate the village of Geneseo,*" passed April 21, 1832.

Passed April 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The taxable inhabitants of the village of Geneseo, in the county of Livingston, shall have power to direct the raising by tax of a sum not exceeding five hundred dollars, at any meeting of the said inhabitants regularly convened within the present year, to be expended for village purposes.

§ 2. The said inhabitants shall also have power to direct a tax to be levied in the year eighteen hundred and thirty-five, for the like sum, for the like purposes; provided, that the sums now authorized by law to be raised, shall prove insufficient to provide for said village proper securities against fire.

CHAP. 208.

AN ACT to amend an act, entitled "*An act to incorporate the trustees of the Harlaem school, in the twelfth ward of the city of New-York.*"

Passed April 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Any person being a freeholder or house-keeper in Harlaem, or paying to the treasurer of "The Trustees of Harlaem School," the sum of five dollars for the use of the school, shall, by and with the consent of the trustees for the time being, become an associate or member of said school, and entitled to vote for trustees thereof; and that at every election for such trustees hereafter to be held, the said associates or members shall elect such trustees by a majority of votes; but no person shall be entitled to vote at any such election unless he shall have paid the said sum of five dollars at least three months previous thereto, and shall, at the time of such election, be a resident of Harlaem.

§ 2. So much of the second section of the act hereby amended, as is contrary hereto, is hereby repealed.

CHAP. 209.

AN ACT to incorporate the *La Fayette bank of the city of New-York.*

Passed April 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Name.

§ 1. There shall be established in the eighth ward in the city of New-York, a bank, to be called "*The La Fayette Bank of the city of New-York,*" whose operations of discount and deposit shall be carried on in the city of New-York, and in the eighth ward thereof, and not elsewhere.

Corporation created.

§ 2. All persons who shall become holders of the capital stock of the said bank, pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of "*The La Fayette Bank of the city of New-York;*" and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-five.

§ 3. The said corporation shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt; and by exercising such other incidental powers as shall be necessary to carry on such business. Banking powers.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be, Real estate.

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation. Restriction.

§ 6. The capital stock of the said corporation shall be five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each; and Stuart F. Randolph, Richard McCarty, Thomas F. Woodruff, Abraham B. Vanderpool, James Dusenbury, Daniel B. Tallmadge, Joshua Brush, Gideon Tucker and Benjamin Birdsall are hereby appointed commissioners to receive subscriptions for and distribute the capital stock. Stock.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in the city of New-York, as they shall appoint; and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in the city of New-York, and in the state paper. Subscription book.

§ 8. The book for subscriptions shall be kept open at least three days, for six hours each day; and the sum of ten dollars on each share subscribed for, shall be paid to the commissioners at the time of making such subscription. To be kept open three days.

Such payment shall be made in specie or current bank bills; and no check, draft, or certificate of deposit shall be received.

Further subscriptions.

§ 9. If the whole of the capital stock be not taken during the said three days, the said commissioners may receive further subscriptions, on such other day or days and at such place in the city of New-York, as they or a majority of them shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act.

Distribution of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of said stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person, directly or indirectly, in trust or otherwise, more than fifty shares of said stock, if, without such allowance, the whole stock be taken.

Notice thereof.

§ 11. The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the city of New-York, a full and complete statement of all of the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners.

Expenses.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed.

Restriiction.

§ 13. No corporation having banking powers under the authority of this state or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debts shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by

the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

§ 14. The stock, property and concerns of the said corporation shall be conducted by thirteen directors, being stockholders of the said corporation and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of the said corporation. Directors.

§ 15. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the city of New-York, as shall be directed by the commissioners herein before appointed, or a majority of them; and the said commissioners are hereby appointed inspectors of such first election; and the directors then to be elected, shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed. First election.

§ 16. The directors for every subsequent year, shall be elected on the second Tuesday of June, of every year, at such time of the day, and at such place within the city of New-York, as a majority of the directors for the time being shall, by a resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied corporation shall be eligible to the office of director in the corporation hereby created. Subsequent elections.

§ 17. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said city of New-York, and in the state paper. Notice.

§ 18. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to Votes.

one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, including all shares which may be held by any other person in trust for him, no more than four hundred votes shall be given upon all such shares.

Ballot.

§ 19. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes shall be director or directors, inspector or inspectors, so as to complete the whole number.

Vacancies.

§ 20. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person possessing the qualifications as to ownership of stock and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

President

§ 21. The directors elected, as soon as may be after their election, shall proceed in like manner, to elect one of their number by ballot to be their president.

Banking
when to
commence.

§ 22. The said corporation shall not commence the business of banking, until the whole of the capital stock shall have been paid to the said corporation, in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholder to pay the amount of his shares, or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation; and any person guilty of any false swearing in any such oath, shall be subject to the pains and penalties of perjury.

Calls on
stockholders.

§ 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under the pain of the forfeiture of the shares upon which such payments are

required, and all previous payments. thereon, to the said corporation.

§ 24. The directors shall give notice of every such call, <sup>Notice there-
of.</sup> by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the city of New-York, and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorize, in case of his default to comply therewith, the forfeiture above provided.

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory upon the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt assigned by the said corporation, by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation. <sup>Bills, &c.
assignable.</sup>

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they or a majority of them shall deem advisable. ^{Dividends.}

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book to be kept by the directors of such corporation for that purpose; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession, any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused; and of any stockholder of the said corporation. ^{Transfers.}

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made. ^{Penalty.}

§ 29. If at any time the corporation hereby created shall neglect or refuse, for ten days after demand at their banking-house, during the regular hours of business, to redeem in specie, any evidence of debt issued by the said corporation, the said company shall discontinue and close all its operations and business, except the securing and <sup>In case of
neglect or
refusal to re-
deem bills.</sup>

collecting of debts due or becoming due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations, under the section next following.

Application
to chancel-
lor.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business: and if the chancellor after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Damages.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal, until the payment of such evidence of debt and the damages thereon.

Restriction.

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said La Fayette bank; and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidence of debt of any monied institution beyond the jurisdiction of this state.

General pow-
ers

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following, or by this act in respect to the corporation created hereby.

Act of April
2, 1899.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 24, 1899, and the acts amending the same, so far as the same shall be in force at the time of passing this act.

Loans.

§ 35. It shall not be lawful for the said corporation to take an hypothecation of its own stock, as security for the making any loan or discount by such corporation.

§ 36. It shall not be lawful for said corporation to issue or to have outstanding, or in circulation, at any time, an amount of notes or bills, loaned or put in circulation as money, exceeding once and an half its capital stock then paid in and actually possessed. Amount of circulation.

§ 37. The legislature may at any time alter, modify or repeal this act, or any of its provisions. Right to repeal.

CHAP. 210.

AN ACT to increase the capital of the Phenix bank in the city of New-York.

Passed April 29, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The capital of the Phenix bank of the city of New-York, is hereby increased to the sum of one million five hundred thousand dollars; and the president and directors of said company shall issue certificates of stock for forty thousand shares of twenty-five dollars each, for the additional stock hereby authorized to be created. Capital stock.

§ 2. Enos T. Throop, John Delafield, Mangle M. Quackenbush, David Bryson, John S. Crary, are hereby appointed commissioners to receive subscriptions for the said increase. Commissioners.

§ 3. The said commissioners shall open books for subscription to the said stock at the banking-house of the said corporation, within ninety days after the passage of this act; and, by publication in two or more of the daily papers in said city, shall give fourteen days' notice of the time and place of opening said books, and shall keep them open from ten o'clock in the forenoon until three o'clock in the afternoon, on two successive days; and five dollars on each share shall be paid at the time of subscribing therefor. Books for subscription.

§ 4. If more than the required amount be subscribed, the said commissioners shall immediately distribute said stock among the subscribers, in such manner as they shall think best for the interest of said corporation; but the said commissioners shall not allot or assign, directly or indirectly, to stockholders in said bank, or to persons any way interested therein, more than one-fourth part in the aggregate of the said new stock, if three-fourths thereof shall have been subscribed by persons not stockholders, or so interested in said bank. Distribution of stock.

Payments.

§ 5. The directors shall equalize the value of the new stock to the old, by requiring payment on the new stock of a rateable portion of the expenses of said bank in its organization and establishment, and an amount equal to the surplus profits on hand, if said bank possesses any, or by dividing a part or the whole of said surplus among the holders of the old stock.

Additional capital.

§ 6. The additional capital hereby created, shall not be used for the purposes of loan or discount, until the whole amount thereof shall be paid to the said corporation in specie or current bank bills; which payment shall be proved on oath to the satisfaction of the bank commissioners, before any such loan or discount shall be made.

Former acts.

§ 7. All the provisions of the act to incorporate the said company, or any act relating thereto, and now in force, shall apply to the additional capital hereby created, except so far as the same may be modified or altered by this act, and also except that the president and directors of said company shall require the additional stock thus subscribed, to be paid before the first day of January next; and thirty days' notice of the call therefor shall be sufficient for that purpose.

Names to be published.

§ 8. The said commissioners shall, within ten days after the distribution of the stock, publish in one or more of the public newspapers printed in the city of New-York, a statement under oath of the subscribers for said stock, with the amount subscribed and the amount of stock allowed to each subscriber.

Restriction.

§ 9. The said commissioners shall not apportion or reserve to themselves, or to any person or persons in trust for them or either of them, directly or indirectly, more than three hundred and twenty shares in the aggregate of the stock hereby created; and they shall not apportion to any other person, directly or indirectly, in trust or otherwise, more than three hundred and twenty shares of the stock hereby created, if without such apportionment the whole stock be taken.

Amount of circulation.

§ 10. It shall not be lawful for said corporation to issue or to have outstanding or in circulation at any time, an amount of notes or bills loaned or put in circulation, as money, exceeding once and an half its capital stock, then paid in and actually possessed.

Act to take effect.

§ 11. This act shall take effect immediately on its passage; and the legislature may at any time alter, modify or repeal the same, or any of its provisions.

CHAP. 211.

AN ACT to amend an act entitled "*An act to incorporate the Phillipstown turnpike company, in the county of Putnam,*" passed April 14, 1815.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The president, directors and company of the Phil-
lipstown turnpike company, are authorized to abandon so
much of their road as lies between Haviland's Corners, in
the town of Patterson, and its intersection with the Con-
necticut line in the town of Pawlings. Part may be abandoned.

§ 2. So much of said turnpike road as shall be abandon-
ed by virtue of this act, shall be and remain a public high-
way; and the commissioners of highways of the several
towns in which such road shall be situated, are authorized
and required to divide the same into road districts, and to
assess the inhabitants living thereon to work said road ac-
cording to law. And be a public highway.

§ 3. In place and stead of the tolls authorized to be
taken by said corporation by the third section of the act
hereby amended, for every coach, coachee, phaeton or
curricule with two horses, they shall be the same as are
authorized to be taken for every wagon with two horses;
and instead of the tolls authorized to be taken by the third
section of the act hereby amended, for every sulky, chair,
chaise or other one horse pleasure carriage, they shall be
the same as those authorized to be taken for every one
horse cart. Tolls.

§ 4. The legislature may at any time alter, modify or
repeal this act, or any of its provisions. Right to repeal.

CHAP. 212.

AN ACT in relation to highways in the village of Potsdam.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be lawful for the commissioners of highways of the town of Potsdam, in the county of St. Lawrence, on the application of the trustees of the village of

Potsdam, to lay out highways in said village of any width they may think proper, not exceeding four rods. Nothing in the above act shall take from the party aggrieved the right of appeal given in the Revised Statutes: and when a road shall be opened, widened, or laid out through said village by virtue of this act, it shall be done at the expense of said village exclusively.

CHAP. 213.

AN ACT in relation to the court of common pleas of the county of Albany.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Term.

§ 1. Each term of the court of common pleas in and for the county of Albany, may be continued and held from the commencement thereof, until and including the third Saturday after the commencement of such term; but no process issuing out of said court, shall be made returnable in the third week of said term, nor shall any jury cause be tried, nor shall any jury attend during said third week.

Judge.

§ 2. The said court of common pleas may be held for the purpose of trying issues of fact by any judge thereof, being of the degree of counsellor at law of the supreme court, either alone or with one or more of the other judges.

To take effect.

§ 3. This act shall take effect immediately on the passage thereof.

CHAP. 214.

AN ACT to authorize the First Baptist church of Lewiston and Porter, to sell and convey a certain lot of land.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The trustees of the First Baptist church of Lewiston and Porter, are authorized to convey by deed, to the First Baptist church in Porter, one equal half of the east part of lot number fifty, in township number fifteen, in the eighth range of townships of the Holland company's pur-

chase, in the town of Porter, in the county of Niagara, now owned by the said First Baptist church of Lewiston and Porter.

§ 2. If the said land cannot be divided satisfactory to both said societies, then the society in which the title now vests is authorized to sell and convey the said land, and the avails thereof shall be equally divided between the said societies.

CHAP. 215.

AN ACT *authorizing the survey of a canal route from Rochester to Olean.*

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The canal commissioners shall, during the year ^{Survey.} eighteen hundred and thirty-four, cause a canal route to be surveyed and examined, from Rochester up the valley of the Genesee river to Olean, on the Allegany, and report to the next legislature the result of such survey and examination: also a side cut from the village of Dansville down the Canaseraga creek, to the aforesaid canal at or near Mount Morris: together with such estimates respecting their cost and productiveness as the commissioners may deem necessary for the information of the legislature, and particularly whether if completed, the trade on said canals could be diverted into any channel injurious to the interests of this state.

§ 2. The treasurer shall pay on the warrant of the ^{Expense.} comptroller the expense of said survey and examination, as certified by the canal commissioners.

CHAP. 216.

AN ACT *to correct an error in the assessment list of the second ward of the city of Albany.*

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Albany ^{Assessment} are hereby required at their next annual meeting, to as- ^{on wards and} towns.

sess upon the several wards and towns in said county such sums as have been levied upon the second ward of the city of Albany, in consequence of an assessment by the assessor of the said ward of the real estate and capital of the Mohawk and Hudson rail-road company, and deduct the same from the county taxes by them to be levied in said ward.

On wards.

§ 2. The said board of supervisors shall also assess upon the several wards of the city of Albany such sum as has been levied for city taxes upon the said second ward, in consequence of the said assessment of the said real estate and capital stock of the said Mohawk and Hudson rail-road company in said ward, and deduct the same from the city taxes by them to be levied upon the said ward.

CHAP. 217.

AN ACT to incorporate the bank of Orleans.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Name.

§ 1. There shall be established in the village of Albion, and county of Orleans, a bank, to be called "The Bank of Orleans," whose operations of discount and deposit shall be carried on in the village of Albion, and not elsewhere.

Corporation created.

§ 2. All persons who shall become holders of the capital stock of the said bank, pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of "The Bank of Orleans;" and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-four.

Banking powers.

§ 3. The said corporation shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt; and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation. Restrictions.

§ 6. The capital stock of the said corporation shall be Stock. two hundred thousand dollars, to be divided into four thousand shares of fifty dollars each; and Harvy Goodrich, Franklin Fenton, Nehemiah Ingersol, Thomas S. Clark, Nathan Martin, James Mather and Gustavus Clark, are hereby appointed commissioners to receive subscriptions for, and distribute the capital stock.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day Subscription book. and at such place in the village of Albion, as they shall appoint; and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in that village, and in the state paper.

§ 8. The book for subscriptions shall be kept open at least three days, for six hours each day; and the sum of five dollars on each share subscribed for, shall be paid To be kept open three days. to the commissioners at the time of making such subscription. Such payments shall be made in specie, or current bank bills; and no check, draft, or certificate of deposit shall be received.

§ 9. If the whole of the capital stock be not taken during the said three days, the said commissioners may receive further subscriptions, on such other day and at such place in the village of Albion, as they or a majority of them shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act. Further subscriptions.

Distribution
of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of said stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; and there shall not be allowed to any commissioner or other person, directly or indirectly, or otherwise in trust, more than one hundred shares of said stock, if, without such allowance, the whole stock be taken.

Names to be
published.

§ 11. The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the county of Orleans, a full and complete statement of all of the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them; which statement shall be sworn to by the commissioners.

Expense.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed.

Restriction

§ 13. No corporation, having banking powers under the authority of this state or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

Directors

§ 14. The stock, property and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and

not in trust in any manner whatsoever, for any other person, at least ten shares of the stock of the said corporation.

§ 15. The first election of directors under this act, and ^{First election} of the inspectors of the first annual election thereafter, shall be held at such time and place in the village of Albion as shall be directed by the commissioners herein before appointed, or a majority of them; and the said commissioners are hereby appointed inspectors of such first election; and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-five, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been distributed.

§ 16. The directors for every subsequent year, shall be ^{Subsequent elections.} elected on the second Tuesday of June of every year, at such time of the day, and at such place within the village of Albion, as a majority of the directors for the time being shall, by resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead. No person who shall be a director in any other bank or monied corporation, shall be eligible to the office of director in the corporation hereby created.

§ 17. Public notice of every election under this act shall ^{Notice.} be given by the commissioners or directors not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said village of Albion, and in the state paper.

§ 18. Each stockholder, at the time of the first election ^{Votes.} of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, including all shares which may be held by any other person in trust for him, no more than four hundred votes shall be given upon all such shares.

§ 19. All elections for directors shall be by ballot, and ^{Ballot.} the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurali-

ty of votes, to determine which of the said persons so having an equal number of votes shall be director or directors, inspector or inspectors, so as to complete the whole number.

Vacancies.

§ 20. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person possessing the qualifications as to ownership of stock, and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

President.

§ 21. The directors elected, as soon as may be after their election, shall proceed in like manner, to elect one of their number by ballot to be their president.

Banking
when to
commence.

§ 22. The said corporation shall not commence the business of banking, until the whole of the capital stock shall have been paid to the said corporation, in specie or current bank bills, and an affidavit shall have been made by the president and cashier of the said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholder to pay the amount of his shares or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation; and any person guilty of any false swearing in any such oath, shall be subject to the pains and penalties of perjury.

Calls on
stockholders.

§ 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under the pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation.

Notice
thereof.

§ 24. The directors shall give notice of every such call, by a notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the village of Albion, and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorize, in case of his default to comply therewith, the forfeiture above provided.

Bills, &c.
assignable.

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory upon the said corporation, and be as-

signable and negotiable in like manner as if made or issued by a private person; and every evidence of debt assigned by the said corporation by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation.

§ 26. It shall be the duty of the directors of the said Dividends. corporation to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they or a majority of them shall deem advisable.

§ 27. No transfer of any stock in the said corporation Transfer. shall be valid until such transfer shall have been registered in a book to be kept by the directors of such corporation for that purpose; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession, any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused; and of any stockholder of the said corporation.

§ 28. In case any officer of such corporation, having Penalty. charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

§ 29. If at any time the corporation hereby created, In case of neglect or refusal to redeem bills. shall neglect or refuse, for ten days after demand at their banking-house, during the regular hours of business, to redeem in specie, any evidence of debt issued by the said corporation, the said company shall discontinue and close all its operations and business, except the securing and collecting of debts due or becoming due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations, under the section next following.

§ 30. The said corporation may, after the payment of Application to chancellor its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an or-

der to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Damages.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal, until the payment of such evidence of debt and the damages thereon.

Restriction.

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said bank of Orleans; and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidence of debt of any monied institution beyond the jurisdiction of this state.

General powers.

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following, or by this act in respect to the corporation created hereby.

Act of April 2, 1829.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled, "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, and the act amending the same, so far as the same shall be in force at the time of passing this act.

Loans.

§ 35. It shall not be lawful for the said corporation to take an hypothecation of its own stock, as security for making any loan or discount by such corporation.

Amount of circulation.

§ 36. It shall not be lawful for said corporation to issue or to have outstanding or in circulation at any time, an amount of notes or bills loaned, or put in circulation as money, exceeding once and an half its capital stock then paid in and actually possessed.

Right to repeal.

§ 37. The legislature may at any time alter, modify or repeal this act.

CHAP. 218.

AN ACT to incorporate the Albany city bank.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. There shall be established in the city of Albany, Name.
a bank, to be called "The Albany City Bank," whose
operations of discount and deposit shall be carried on in
the city of Albany and not elsewhere.

§ 2. All persons who shall become holders of the capi- Corporations created.
tal stock of the said bank pursuant to this act, shall be,
and they are hereby constituted a body corporate, by the
name of "The Albany City Bank;" and such corporation
shall continue until the first day of January, one thousand
eight hundred and sixty-four.

§ 3. The said corporation shall have power to carry on Banking powers.
the business of banking, by discounting bills, notes and
other evidences of debt; by receiving deposits; by buy-
ing and selling gold and silver bullion, foreign coins and
bills of exchange; by issuing bills, notes and other evi-
dences of debt; and by exercising such other incidental
powers as shall be necessary to carry on such business.

§ 4. The real estate which it shall be lawful for the Real estate.
said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accom-
modation in the convenient transaction of its business:
or,

2. Such as shall have been mortgaged to it in good faith,
by way of security for loans previously contracted, or for
monies due: or,

3. Such as shall have been conveyed to it in satisfac-
tion of debts previously contracted in the course of its
dealings: or,

4. Such as shall have been purchased at sales upon
judgments, decrees or mortgages, obtained or made for
such debts.

The said corporation shall not purchase, hold or con-
vey real estate in any other case, or for any other pur-
pose.

§ 5. The said corporation shall not, directly or indi- Restriction.
rectly, deal or trade in buying or selling any goods, wares,
merchandise or commodities whatsoever, or in buying or
selling any stock created under any act of the United
States or of any particular state, unless in selling the same

when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each; and Erastus Corning, Chauncey Humphrey, Martin Van Alstyne, John Knowler, Samuel S. Fowler, John L. Schoolcraft, Garret W. Ryckman, Anthony Blanchard, William Smith, William Seymour, Peter Wendell, Thomas M. Burt and Albert Gallup, are hereby appointed commissioners to receive subscriptions for and distribute the said capital stock.

Subscription book.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in the city of Albany as they shall appoint; and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in said city, and in the state paper.

To be kept open 3 days.

§ 8. The book for subscriptions shall be kept open at least three days, for six hours each day; and the sum of ten dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payments shall be made in specie or current bank bills: and no check, draft, or certificate of deposit shall be received.

Further subscriptions.

§ 9. If the whole of the capital stock be not taken during the said three days, the commissioners may receive further subscriptions, on such other day and at such place in the city of Albany, as they or a majority of them shall from time to time appoint, until the whole capital stock of the corporation shall be taken, giving public notice thereof as directed in the seventh section of this act.

Distribution of stock.

§ 10. The commissioners shall proceed within ninety days after the passage of this act, to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock, within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution, and there shall not be allowed to any commissioner or other person, directly or indirectly, in trust or otherwise, more than fifty shares of such stock, if, without such allowance, the whole stock be taken.

Names to be published.

§ 11. The commissioners shall, within ten days after the distribution of said stock, publish in one of the newspapers published in the city of Albany, a full and com-

plete statement of all of the subscribers for the same, with their places of residence, the number of shares by each subscribed for, and the number of shares allotted to each of them, which statement shall be sworn to by the commissioners.

§ 12. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall have been distributed. Expenses.

§ 13. No corporation, having banking powers under the authority of this state or the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the said corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of said fund. Restriction.

§ 14. The stock, property and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders thereof and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of the said corporation. Directors.

§ 15. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the city of Albany, as shall be directed by the said commissioners; who, or a majority of whom, are hereby appointed inspectors of such first election; and the persons then elected such directors, shall hold their offices until the second Tuesday of June, one thousand eight hundred and thirty-five, and until others are elected; and such election shall be holden within two months after the capital stock shall have been distributed. No person who shall be a director in any other bank or monied corporation, shall be eligible to the office of director in the corporation hereby created. First election

Subsequent
elections.

§ 16. The directors for every subsequent year, shall be elected on the second Tuesday of June in every year, at such time of the day, and at such place within the city of Albany, as a majority of the directors for the time being shall, by resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead.

Notice.

§ 17. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said city of Albany, and in the state paper.

Votes.

§ 18. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than four hundred shares, including all others which may be held by any person in trust for him, no more than four hundred votes shall be given upon all such shares.

Ballot.

§ 19. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, determine which of the said persons so having an equal number of votes shall be director or directors, or inspector or inspectors, so as to complete the whole number.

Vacancies.

§ 20. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person possessing the qualifications as to ownership of stock, and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

President.

§ 21. The directors elected, as soon as may be after their election, shall proceed in like manner, to elect one of their number by ballot to be their president.

§ 22. The said corporation shall not commence the business of banking, until the whole of the capital stock shall have been paid to the said corporation, in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholders to pay the amount of his shares, or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation; and any person guilty of any false swearing on any such oath, shall be subject to the pains and penalties of perjury.

§ 23. The directors shall have power to require the stockholders respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under the pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation.

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the city of Albany, and in the state paper; which notice so to be published, shall be a sufficient call on such stockholder, to authorize, in case of his default to comply therewith, the forfeiture above provided.

§ 25. The obligations, contracts, bills, notes, and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt assigned by the said corporation by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation.

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable.

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book to be kept by the directors of the said corpora-

tion for that purpose; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession, any note, bill, or other evidence of debt, issued by such corporation, the payment of which shall have been refused; and of any stockholder of the said corporation.

Penalty.

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

In case of neglect or refusal to redeem bills.

§ 29. If at any time the corporation hereby created, shall neglect or refuse, for ten days after demand at their banking-house, during the regular hours of business, to redeem in specie, any evidence of debt issued by the said corporation, the said corporation shall discontinue and close all its operations and business, except the securing and collecting of debts due or to become due to the said corporation, until it shall resume payment as aforesaid, unless it shall be permitted to proceed in its ordinary banking operations, under the section next following.

Application to chancellor.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Damages.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon.

Restriction,

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of the state, and which shall be made payable at the said "Albany city Bank;" and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state.

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following, or by this act in respect to the corporation created hereby. General powers.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, and the act amending the same, so far as the same shall be in force at the time of passing this act. Act of April 2, 1829.

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock, as security for making any loan or discount by such corporation. Loans.

§ 36. It shall not be lawful for said corporation to issue or to have out standing or in circulation at any time, an amount of notes or bills loaned, or put in circulation as money, exceeding once and an half its capital stock then paid in and actually possessed. Amount of circulation.

§ 37. The legislature may at any time modify, alter or repeal this act, or any of its provisions. Right to repeal.

CHAP. 219.

AN ACT directing the application of an appropriation heretofore made to aid in the erection of a church at the quarantine ground, Staten Island.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The rector, church wardens and vestrymen of St. Andrew's church, in the county of Richmond, are directed to pay the sum of one thousand dollars; heretofore received by them from the health commissioners out of the marine hospital funds, by virtue of an act, entitled "An act to aid in the erection of places of worship at the quarantine ground, Staten Island," passed April 9th, 1819, to the church wardens and vestrymen of St. Paul's church, in the village of Tompkinsville, in the county aforesaid. St. Andrew's church to pay \$1,000 to St. Paul's church.

§ 2. At the time of payment aforesaid the church wardens and vestrymen of St. Paul's church aforesaid shall execute a good and sufficient bond to the people of this Bond

state, to be taken and approved of by the first judge of the said county of Richmond, conditioned for the faithful application of the said sum of one thousand dollars towards the erection and completion (within three years from the time of payment) of a church in the village of Tompkinsville aforesaid, which approval shall be certified on said bond by said first judge, who shall then cause the said bond to be filed in the office of the comptroller of this state, and when so filed the bond now on file in said office, given by the rector, church wardens and vestrymen of St. Andrew's church aforesaid, shall be void.

To account. § 3. It shall be the duty of the church wardens and vestrymen of St. Paul's church aforesaid to account with the comptroller for the expenditure and application of the said sum of money within the time above limited.

Repeal. § 4. So much of the act, entitled "An act to aid in the erection and completion of places of public worship at the quarantine ground, Staten Island," passed April 9th, 1819, as is inconsistent with this act, is hereby repealed.

Act to take effect. § 5. This act shall take effect immediately on the passage thereof.

CHAP. 220.

AN ACT to amend and modify the acts now in force for the prevention of fires in the city of New-York.

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Party walls. § 1. The outside and party walls of all dwelling-houses, store-houses and other buildings hereafter to be erected, or built within the fire limits of the city of New-York, as the same now exist or may hereafter be extended, which shall exceed thirty feet in height from the level of the side-walk to the foot of the rafters, shall not be less than twelve inches thick.

Chimnies. § 2. No chimney in any building now built or hereafter to be built in the said city, shall be started or built upon the floor of the building, or be cut off to be supported in any manner by wood.

Gutters or cornices. § 3. All wooden gutters or cornices of any such building, shall be firmly secured by irons, which shall not be more than seven feet and a half apart from each other in any case. And for all such gutters not exceeding twelve inches in width, the said irons shall be at least two inches

wide and an half of an inch thick, and for all such gutters exceeding twelve inches in width, the said irons shall be at least two inches and an half wide and five-eighths of an inch thick. The said irons, except those at the ends of the cornice or gutter, shall be fastened or secured to the floor beam, and the end irons shall be fastened with nuts and screws to the plate irons.

§ 4. All plate irons shall be built into the end or party walls; and the iron anchors used to secure plate pieces, shall be at least two inches wide by an half of an inch thick. The anchors so to be used at each end of any such plate piece shall be at least four feet long, and shall be worked or built into the side or end walls of the building, and the end of said anchor shall turn down not less than four inches. Plate irons and anchors.

§ 5. All scuttle frames and doors on any such building shall be made or covered with copper, zinc, iron, or other fire proof material; and all windows and entrances in the rear of any such building above the first story, over thirty feet in height as aforesaid, which shall be used for any other purpose than that of a dwelling-house, shall have shutters and doors to be made of iron or copper. Scuttle frames and doors.

§ 6. No wooden shed shall be erected or permitted within the fire limits of the said city as aforesaid, unless one whole side of the same be left entirely and constantly open, in addition to its not exceeding twelve feet in height at the peak or highest part thereof. Wooden sheds.

§ 7. No wooden building shall be raised, enlarged, or built upon within the said fire limits, otherwise than by putting dormer windows, not to exceed two in number thereon, and no such dormer window shall exceed five feet in width. Wooden buildings.

§ 8. Every penalty or forfeiture which may be incurred by the owner or builder of any building, either under the seventeenth section or the twenty-second section of the act, entitled "An act to amend the acts heretofore passed for the prevention of fires in the city of New-York," passed April 20th, 1830, shall be a lien upon such building, until the same shall have been satisfied, notwithstanding any sale or conveyance thereof before judgment may have been obtained for such penalty or forfeiture. Penalties and forfeitures.

§ 9. All such parts of the second, fifth, eighth, ninth, tenth, twentieth and twenty-first sections of the above mentioned act, or of any other section thereof, as may be contrary to or inconsistent with the provisions of this act, but not otherwise, are hereby repealed; and the thirty-first section of the said act is also hereby repealed. Repeal.

Act when to
take effect.

§ 10. This act shall not take effect until the first day of August next, or operate upon dwelling-houses which shall be built under contracts entered into previously to the passage of this act; and the common council shall publish this act once a week, in every paper employed by them, from the passage thereof until that day.

CHAP. 221.

AN ACT to incorporate the *Rensselaer and Washington McAdam road company.*

Passed April 30, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Munson Smith, Job Pierson, Amos Briggs, and such other persons as shall become stockholders pursuant to this act, are hereby constituted a body corporate and politic, by the name of "The Rensselaer and Washington McAdam Road Company," for the purpose of constructing a McAdam road from the city of Troy, running on the east side of the Hudson river, to the village of Whitehall.

Stock.

§ 2. The capital stock of the said company shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each.

Commission-
ers.

§ 3. Stephen Warren, George Tibbits, Richard P. Hart, Henry Vail, Stephen Germond, Munson Smith, Job Pierson, Amos Briggs, Henry Holmes, Daniel Stephenson, George Chandler, Samuel Standish, junior, and Peter J. H. Myers, are hereby appointed commissioners to receive subscriptions of stock.

Subscriptions
to stock.

§ 4. Within one year from the passage of this act, it shall be the duty of the said commissioners, at some suitable place in the city of Troy, and at such other places as they may deem expedient, to open books and receive subscriptions of stock, which books shall be kept open during three successive days; but no such subscription shall be received, unless five dollars shall be paid on each share at the time of subscribing. At least fourteen days notice shall be given by the said commissioners, of the time and place of opening the books, by an advertisement in one of the public newspapers printed in the county where such books shall be opened.

Apportion-
ment.

§ 5. If, within three days after opening the books as aforesaid, more than two hundred thousand dollars of the

said capital stock shall be subscribed, the commissioners shall proceed to apportion the amount required among the subscribers, and shall complete such apportionment within sixty days from the time of opening the books, in such manner as they shall deem most for the interest of the company and the benefit of the public.

§ 6. If two hundred and fifty thousand dollars of the said stock shall not be subscribed within the said three days, the commissioners may again open the books at such other times and places as they may deem proper, after giving notice thereof, as required in the preceding section, and receive further subscriptions of stock: And when fifty thousand dollars or more, of such stock shall have been subscribed, it shall be the duty of the commissioners to call a meeting of the stockholders for the purpose of choosing nine directors, by giving at least fourteen days' notice thereof, by advertisement in one of the newspapers printed in each of the counties through which the road is to be constructed. Three or more of the commissioners shall preside at such election, and each stockholder shall be entitled, personally or by proxy, to one vote for every share of stock owned by him. The directors so chosen shall hold their offices until the first Monday in January next following, which shall be the day for choosing directors in each year after such first election.

Further sub-
scriptions.

§ 7. The said corporation shall possess the general powers, and be subject to the general liabilities and restrictions of turnpike corporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes, except so far as the same are inconsistent with the provisions of this act.

General
powers.

§ 8. The said road shall be laid out not less than four rods wide, and the bed or arch thereof shall not be less than twenty-eight feet wide, and constructed in the following manner: Ten feet in width, in the centre thereof, shall be excavated to the depth of at least ten inches, where the ground is clayey, or of alluvial quality, and filled in at least five inches in thickness with hard gravel or stone, which shall be covered with not less than five inches of hard broken stone; excepting where there shall be rock bottom, in which case less excavation and filling in shall be required, at the discretion of the engineer or superintendent of the work. Nine feet on each side of the part to be constructed as aforesaid, shall be excavated and filled in with gravel or other hard substance, so as to form a solid and smooth surface. The arch of the road shall be at least four inches in the centre above the extremities of the sides thereof, with a suitable drain or ditch on each side to carry off the water; and the said

Dimensions
of road.

road shall be constructed and maintained on the most approved principle of McAdam road making.

Toll-gate.

§ 9. Whenever five miles of the said road shall be finished according to the preceding section, the said corporation may erect a toll-gate thereon, and demand and receive tolls for passing the same, at the rates herein after mentioned. And when any other five miles of the said road shall in like manner be finished, a toll-gate may be erected thereon with like powers.

Time limited.

§ 10. If the said corporation do not, within two years after the passage of this act, complete five miles of the said road, and within ten years thereafter complete the whole of said road, then and in that case, this act shall cease and be no longer in force.

Branches.

§ 11. The said company may lay out and construct a branch or branches from their said road towards, or to the line of the state of Vermont; which branch or branches shall be subject to the same provisions and regulations in every respect, as the principal road.

Rates of toll.

§ 12. On each ten miles of said road, when completed according to the provisions of this act, the company may erect one full toll, or two half toll-gates, and demand and receive thereat from persons travelling such road, the following tolls for passing any full toll-gate, and half that sum for passing any half toll-gate, to wit: for every score of cattle, twenty cents; for every score of sheep or hogs, ten cents; and in the same proportion for any greater or less number of cattle, sheep or hogs; for every cart or four-wheeled carriage drawn by two horses or other beasts, twelve and a half cents, and for every additional horse or other beast, three cents; for every carriage drawn by one horse or other beast, six cents; for every sleigh or sled drawn by two horses or other beasts, eight cents, and for every additional horse or other beast, three cents; for every sleigh or sled drawn by one horse or other beast, four cents, and for every horse or mule and rider, four cents, and for every horse or mule led or driven, three cents.

Troy & Lansingburgh.

§ 13. Nothing contained in this act shall be so construed as in any manner to impair the jurisdiction of the city of Troy, or the village of Lansingburgh, or any other village through which the said McAdam road shall pass; nor shall the said road, or any part thereof, be so constructed as to injure the passage into any street or highway, or so as to impair the usefulness of any stream or water course.

Commissioners to lay out road.

§ 14. Stephen Warren, Henry Vail, Stephen Germond, Samuel H. Mulford, Job Pierson, Amos Briggs, Peter J.

H. Myers, Henry Holmes, Alexander Mosher, Reuben M. Norton and Solomon Cowan are hereby appointed commissioners to designate and lay out said road, a majority of whom may act in the premises,

§ 15. The legislature may at any time alter, amend Right to re-
peal. or repeal this act.

CHAP. 222.

AN ACT *for the relief of Neal Brown.*

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The treasurer of this state shall pay out of the canal fund, on the warrant of the comptroller, to Neal Brown, immediately after the passage of this act, ten hundred and fifty-six dollars and ninety-seven cents.

CHAP. 223.

AN ACT *to incorporate the New-York marine dry dock company.*

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. David Brown, Jacob Bell, Nathan Cobb, Oran-
dates Mauran and Edward K. Collins and their associates Corporation
created. are hereby created a corporation by the name of the "New-York Marine Dry Dock Company," with power to construct and use two dry and wet docks and other artificial means or basins, to be located either in the county of New-York or in the county of Kings, or one in each county, for the purpose of receiving, sheathing and repairing vessels; and with power to take and hold such real and personal estate as may be necessary for that object.

§ 2. The capital stock of the said corporation shall be Stock. two hundred and fifty thousand dollars, to be divided into two thousand five hundred shares, of one hundred dollars each, and David Brown, Jacob Bell, Nathan Cobb, Oran-
dates Mauran and Edward K. Collins, are hereby appointed commissioners to receive subscriptions to the said capital stock.

Subscriptions
to stock.

§ 3. The books of subscription for said stock shall be opened by the said commissioners, or a majority of them, on such day and at such place in the city of New-York as they shall appoint, giving at least fourteen days notice of such time and place in one or more of the newspapers printed in that city.

To be kept
open three
days.

§ 4. The said books shall be kept open at least three days for four hours each day, and the sum of twenty-five dollars on each share subscribed for shall be paid to the commissioners at the time of making such subscription.

Further sub-
scriptions.

§ 5. If the whole of the capital stock shall not be taken up during the said three days, the said commissioners may receive further subscriptions on such other days, and at such place in the city of New-York as they or a majority of them may from time to time appoint, until the whole capital stock shall be taken up, giving notice thereof for one week as directed in the third section of this act.

Distribution
of stock.

§ 6. The commissioners shall proceed within sixty days after such subscription, to distribute the capital stock of the said corporation among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interest of the institution.

Expenses.

§ 7. The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the moneys received by them from subscribers to whom stock shall be distributed.

Transfers.

§ 8. The stock of the said corporation shall be transferable and assignable on their books according to the by-laws thereof, and shall be personal estate. But no transfer of any stock in such company shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors of the said company for that purpose, which book or books shall at all reasonable times during the usual hours of transacting business, be open to the examination of any stockholder in the said company.

Directors.

§ 9. The stock, property, and concerns of the said corporation shall be managed, ordered, and conducted under the directions of seven directors, being stockholders and citizens; and the said directors shall hold their offices from the second Monday of January inclusive in every year, for one year, and shall be elected on the first Monday of January in each year, at such time and place in the city of New-York as a majority of the directors for the time being shall appoint, and that notice of the time and place of holding such election shall be published in at least

one paper in the city of New-York, not less than fourteen days previous to the time of holding such election.

§ 10. Each stockholder shall be entitled to one vote on ^{Votes.} each share of stock which he shall have held in his own name, at least fourteen days previous to the time of voting, and all elections for directors shall be by ballot, and the seven persons who shall have the greatest number of votes shall be directors; and if at any election two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall have been duly elected,* shall proceed by ballot and by plurality of votes to determine which of the said persons so having an equal number of votes shall be director or directors, inspector or inspectors, so as to complete the ~~first~~ ^{first} number; and the directors so chosen shall as soon as may be thereafter, proceed in like manner to elect one of their number by ballot for their president; and if any director appointed by this act or hereafter to be chosen, shall die or remove out of this state, cease to be a stockholder or shall resign, his office shall be vacant; and whenever any vacancy shall occur the same shall be filled by the remaining directors, by plurality of votes, until the next annual election, and David Brown, Jacob Bell, Nathan Cobb, Orandates Mauran, Edward K. Collins, Josiah Macy, and Allen Miner, shall be the first directors, who shall hold their offices respectively until the second Monday of January inclusive, which will be in the year one thousand eight hundred and thirty-five, and until others are chosen in their places, and shall proceed to choose their president at such time and place as they or a majority of them shall determine.

§ 11. The directors may require the stockholders respectively to make payment of all sums of money by them subscribed, at such times and in such proportions as the directors shall see fit, under the pain of the forfeiture of the shares upon which such payments are required, and all the previous payments thereon, to the said corporation. ^{Call on stockholders.}

§ 12. The directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more of the newspapers printed in the city of New-York, and in the state paper, which notice so to be published shall be a sufficient call on each stockholder to authorize. (in case of his default to comply therewith,) the forfeiture above provided. ^{Notice thereof.}

§ 13. The said corporation shall not commence its operations until one-fourth of the whole of the capital stock ^{Operations when to commence.}

* So in the original.

shall have been paid in to the said corporation, in specie or current bank bills, and an affidavit of such payment shall have been made by the president of such corporation of such payment, and filed with the clerk of the said county of New-York.

General
powers.

§ 14. The said corporation shall possess the several powers of a corporation, as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to its provisions, except so far as the same have been repealed before the passage of this act, or are modified by this act.

Right to re-
peal.

§ 15. This corporation shall continue forty years, but the legislature may at any time alter, amend, modify or repeal the same.

CHAP. 224.



AN ACT to incorporate the *New-York Methodist mutual benefit society*.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Name.

§ 1. There shall be established in the city of New-York, a benevolent society, by the name of the "New-York Methodist Mutual Benefit Society."

Corporation
created.;

§ 2. Gilbert Coutant, Joseph Smith, Abraham Brower and Nicholas Schureman, and such other persons as now are, or may hereafter become, members of the said society, are hereby constituted a body corporate by the name aforesaid.

Objects of
the society.

§ 3. The objects of the society are benevolent, and to afford relief to its members in cases of sickness and infirmity; and the society, its funds or any part of them, shall not be used for other purposes.

By-laws.

§ 4. The corporation shall have power to prescribe rules and regulations for the admission of its members, and their government; the election of its officers and their duties, and expelling any of its members for not obeying its laws.

Real estate.

§ 5. The corporation may purchase, take and hold real and personal estate, and the same shall be liable to taxation; but the annual income of the real and personal estate which the said corporation may at any time hold, shall not exceed one thousand dollars, nor shall the said corporation be capable of taking or holding by devise or bequest.

§ 6. The corporation shall possess the general powers, ^{General powers.} and be subject to the general restrictions and liabilities, prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 7. The legislature may at any time alter, modify or ^{Right to re-} repeal this act or any of its provisions. ^{peal.}

CHAP. 225.

AN ACT to incorporate the Genesee Wesleyan seminary.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Abner Chase, Glezen Fillmore, Loring Grant, Richard Wright, Micah Seager, Francis Smith, Augustus A. Bennett, Ruel Blake, Asahel Warner, John Lowber, John Copeland, Lewis A. Birdsall and Israel Chamberlayne, shall be, and are hereby constituted a body corporate, by the name of "The Genesee Wesleyan Seminary," for the purpose of establishing, maintaining and conducting a seminary of learning, for the education of youth of both sexes, to be located at Lima, in the county of Livingston. ^{Corporation created.}

§ 2. The said corporation shall have power to purchase, ^{Real estate.} take and hold real and personal estate to the annual income of four thousand dollars, and to lease, sell, or otherwise dispose of the same for the use of the institution.

§ 3. The trustees shall have power to elect the faculty ^{By-laws.} and teachers of the institution, form regulations and by-laws, prescribe the course of study, attend the examinations, and regulate the government and instruction of the students.

§ 4. There shall always be thirteen trustees of the said ^{Trustees.} corporation, who shall be appointed by the Genesee annual conference of the Methodist Episcopal church: said trustees shall be divided into three classes, to be numbered one, two, three. The places of the first class, or number one, shall become vacant one year from the next meeting of said conference; the places of the second class, or number two, shall become vacant in two years; and the places of the third class, or number three, shall become vacant in three years from said meeting of said conference; provided, however, that the said trustees shall continue to act until others are appointed in their places.

First trustees. § 5. The aforesaid Abner Chase, Glezen Fillmore, Loring Grant, Richard Wright, Micah Seager, Francis Smith, Augustus A. Bennet, Ruel Blake, Asahel Warner, John Lowber, John Copeland, Lewis A. Birdsall and Israel Chamberlayne, shall be the first trustees of said corporation.

Restriction. § 6. No part of the funds of the corporation hereby created, shall ever be applied for the support of theological or other studies than those of literature and the fine arts.

Vacancies. § 7. Upon the vacancy of the place or places of any of the said trustees, by resignation, death, expiration of the term of trusteeship, or otherwise, said vacancy shall be filled up by the said conference at their next annual meeting; who shall nominate and appoint the person or persons who shall fill such vacancy or vacancies as aforesaid; of which nomination and appointment so made, a certificate shall be given, signed by the president, and countersigned by the secretary, and registered in the books of said corporation; whereupon the person or persons so nominated and appointed, shall be to all intents and purposes, trustee or trustees of said corporation.

General powers. § 8. The corporation hereby created shall possess the power and be subject to the provisions contained in the third title of the eighteenth chapter and first part of the Revised Statutes.

Report. § 9. The trustees shall yearly, and every year, make report in writing to the aforesaid conference, of the state and condition of the funds and property belonging to said corporation, and of the number of students that shall have been taught at said seminary during the preceding year.

Repeal. § 10. The act entitled, "An act to incorporate the Genesee Wesleyan seminary," passed April 30, 1823, is hereby repealed.

Act to take effect. § 11. This act shall take effect immediately upon the passage thereof.

Right to repeal. § 12. The legislature may at any time alter, modify or repeal this act.

CHAP. 226.

AN ACT to amend the act to incorporate the Squakie Hill bridge company, passed April 19th, 1833.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The time for building a toll bridge over the Genesee river at Squakie Hill, in the county of Livingston, is hereby extended two years from the passage of this act.

CHAP. 227.

AN ACT to incorporate the Frankfort manufacturing company.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Chauncey Mathews, Amasa Mann, James H. Rathbone, Henry Strong, Guy C. Marshall, John B. Dygert, and George B. Judd, and such other persons as may be associated with them, are hereby declared to be a body corporate, by the name of "The Frankfort Manufacturing Company," for the purpose of manufacturing cotton and woollen goods, and suitable machinery for such factories, or either of them, at any place or places between the Mohawk river near the flouring mill of James H. Rathbone, and the south line of the flouring mill lot and water privileges of Henry Strong, in the village and town of Frankfort, in the county of Herkimer.

Corporation created.

§ 2. The capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each; but it shall be lawful for said company to commence and transact business as soon as fifty thousand dollars thereof shall be subscribed, and twenty-five thousand dollars paid in.

Stock.

§ 3. Books of subscription to the capital stock of said company shall be opened and may be kept open from time to time, under the direction of the directors hereinafter named and their successors in office, until the whole amount of said capital stock shall be subscribed for. But no subscription shall be received unless the sum of ten dollars on each share subscribed for shall be paid to the di-

Subscriptions to stock.

rectors, or their agent, at the time such subscription shall be made. And in case there should be subscriptions to more than the amount of the capital stock of said company, within ninety days after the books of subscription shall first be opened for that purpose, it shall be the duty of the directors to apportion the stock of said company among the subscribers thereto in such manner as a majority of them shall deem most advantageous to the interest of the corporation.

*4 calls on
stockholders.*

§ 4. It shall be the duty of the directors to call for and demand of the stockholders respectively all sums of money by such stockholders subscribed, at such time or times, and in such proportions as the directors, or a majority of them, shall see fit, under penalty of the forfeiture to said company of the shares of such stockholders, and all previous payments made thereon, always giving forty days previous notice of such call or demand, by publishing the same in a newspaper printed in the county of Herkimer, and in the state paper.

Transfer.

§ 5. The stock of the company hereby incorporated shall be transferable and assignable, subject to such rules as the directors shall make and establish.

Directors.

§ 6. The stock, property and concerns of said company shall be managed by seven directors, who shall hold their offices until the first Monday of January next and immediately after their election, and until others are elected in their places; and one of said directors shall, by a majority of them, be chosen president of said company, and shall hold his office for the same term.

First directors.

§ 7. The first directors shall be Chauncey Mathews, Amasa Mann, James H. Rathbone, Henry Strong, Guy C. Marshall, John B. Dygert and George B. Judd, who shall hold their offices until the first Monday of January next, and until an election of directors shall take place, which shall be on the said first Monday of January; and on the first Monday of January in each year thereafter, at such place as a majority of the directors shall appoint; of the time and place of any such election twenty days previous notice shall be given, by publishing the same in a newspaper printed in the county of Herkimer, and the state paper. All such elections shall be made by the stockholders attending in person or by proxy for that purpose; and each stockholder shall be entitled to one vote on each share of the stock held by him at the time he shall offer his vote, except that when any one person, or two or more persons jointly, shall hold more than two hundred shares (including all shares which may be held by any other person or persons in trust for him or them) no more

than two hundred votes shall be given upon all such shares.

§ 8. All elections shall be by ballot, and no ballot shall contain more than seven names; and the seven persons who shall have the greatest number of the votes given at any election shall be directors. But if it shall happen that two or more persons have an equal number of votes, so that a greater number than seven appear to be chosen, then the stockholders present, in person or by proxy, shall proceed to ballot until they shall by a plurality of votes determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the number of seven; but no person shall be eligible to the office of director unless he shall reside in the state, and shall at the time of his election own and hold in his own right and name at least five shares of the stock of said company. And if any director shall remove out of the state, or cease to be a stockholder to the amount of five shares, his office shall become vacant; and whenever any vacancy shall happen among such directors, either by death, resignation or otherwise, such vacancy may be filled for the remainder of the year or term in which it shall happen, by such person, possessing the qualifications as owner of stock and citizenship as above required for a director, as the remainder of the directors, or a majority of them, shall appoint.

Elections
how to be
conducted.

§ 9. The president and directors in office, or a majority of them, at the time of any election, shall preside at, and certify the result of any such election.

Result to be
certified.

§ 10. The directors shall at all times keep, or cause to be kept, proper books of account, in which shall be entered all the transactions of the company, which books shall be subject to the inspection of the stockholders.

Accounts.

§ 11. The corporation hereby created shall continue twenty-five years, and no longer.

Duration of
act.

§ 12. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the eighteenth chapter of the first part of the Revised Statutes; and the legislature may at any time alter, modify or repeal this act.

General
powers.

§ 13. For all debts which shall be due or owing by the said company at the time of its dissolution, the persons composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no further.

Liability for
debts.

CHAP. 228.

AN ACT to incorporate the Auburn and Syracuse rail-road company.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. Daniel Sennett, Ulysses F. Doubleday, Bradley Tuttle, David Monroe, Grove Lawrence, and William Porter, junior, with such other persons as shall associate with them for that purpose, shall be and they are hereby constituted a body politic and corporate, by the name of "The Auburn and Syracuse Rail-Road Company," with power to construct a single or double rail-road, between the village of Auburn and the village of Syracuse, on such route as a majority of the directors of said company shall determine; to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence the construction of said rail-road, and expend at least the sum of twenty thousand dollars thereon, and shall not within five years from the passage of this act, construct, finish and put in operation the said single or double rail-road, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be four hundred thousand dollars, which shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and be transferable in such manner as the said corporation shall by by-laws direct.

Commission-
ers to receive
subscriptions
to stock.

§ 4. Daniel Sennett, Ulysses F. Doubleday, Bradley Tuttle, John Seymour, Halsey Phelps, Stephen Van Anden, David Monroe, John Wilkinson, Grove Lawrence, Hezekiah Earl and William Porter, junior, shall be commissioners; whose duty it shall be, within two years from the passage of this act, at some suitable place in the village of Auburn, and in such other places as they or a majority of them shall direct, to open books to receive subscriptions to the capital stock of the said corporation; and thirty days' public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one of the public newspapers printed in each of

the counties of Cayuga and Onondaga; and the said commissioners shall, at the time of any subscription by any person or persons, for the capital stock of said corporation, require the payment to them by the person or persons subscribing, of ten dollars towards and upon every hundred dollars so subscribed; and unless the same shall be paid, the subscription shall be invalid: And in case a greater amount of capital stock shall be subscribed for than the sum of four hundred thousand dollars, the said commissioners shall distribute the stock, in such manner as a majority of them shall deem most advantageous to the interests of the said corporation; but in case the capital stock of said corporation shall not all be subscribed for, then the said commissioners shall be authorized to reopen the said books, at such other times and places, and in such manner, and after such notice, as they, or a majority of them, shall direct; and whenever the said capital stock shall have been subscribed, and distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days' notice, in a public newspaper in each of the counties aforesaid, and in the state paper, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose thirteen directors: And such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling the stockholder to one vote: And the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and books to the said directors: And the time and place of holding the first meeting of the directors shall be fixed by the said commissioners. And the said directors shall cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road, on the route set forth in the first section of this act; and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of each of the counties aforesaid, which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road as hereinafter mentioned.

Directors.

§ 5. The first directors to be chosen shall hold their offices until the first Monday in June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in either of the counties aforesaid, as the said directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Every such election shall be held under the inspection of five stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. One at least of the said directors shall reside in each of the counties before mentioned. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him thirty days previous to such election.

Election.

§ 6. In case it should at any time happen that an election of directors shall not be held on any day when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

Real estate.

§ 7. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary for accomplishing the objects for which this incorporation is granted; and may, by their agents, surveyors and engineers, enter upon and take possession of and use, all such lands and real estate as may be indispensable for the construction and maintenance of their single and double railroad or way, and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double railroad or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation may apply by petition to the vice-chancellor of the

seventh circuit, setting forth therein the necessity of such lands for making said rail-road, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reasons why the purchase cannot be made, together with a map, plan and profile of said road; and the said vice-chancellor shall issue his warrant to the sheriff of the county in which said lands are situated, under his hand and seal, directing him, in person or by deputy, to summon twenty-four disinterested freeholders residing in towns through which said road does not pass, and not of kin to the owners of such lands, nor interested in the stock of said company, or of kin to those who are, to assess the damages to be sustained by the laying out of such road and appropriating said lands to the uses of said company; and shall therein specify the time and place at which the jury shall meet, and the county judge who shall there attend to the drawing of said jury, and also the notice of the time and place which shall be given to the said owner or owners. At the time and place designated, the said judge shall draw by lot out of the persons attending to serve as a jury, and the first six persons drawn, who shall be free from all legal or reasonable exceptions, shall be the commissioners to assess said damages and the value of said lands. In all cases, before assessing said damages, the commissioners aforesaid shall be sworn by the said judge well and truly to determine and assess the value of the land and the damages as hereinafter directed; and the above mentioned petition, together with the said map, plan and profile, shall then be delivered to said commissioners. The said commissioners shall cause due notice, in writing, to be served on said owner or owners, or in case of absence, to be left at his or their usual place of residence, of the time when they will act in the premises. They shall examine the lands: may administer oaths, and hear testimony, and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with the map thereof, awarding to the owner or owners thereof what they shall deem to be the full value thereof; as also the damages, if any, they may otherwise sustain from the making and maintaining of said road, and report the same, with the testimony taken, to said vice-chancellor acting in the premises. He shall examine the said report, and if required by either, hear the parties in relation thereto, and increase or diminish the amount of the award if he shall be satisfied that injustice has been done. The commissioners shall be allowed two dollars each per day for their services, and the said judge, sheriff and witnesses such fees as the said vice-chancel-

lor shall adjudge reasonable and just, to be paid by said corporation. Upon proof to the said vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the vice-chancellor shall direct, of the amount of said award, and the payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this act; and when the said order or decree shall be recorded in the office of the clerk of the county in which said lands are situated, whose duty it shall be to record the same, receiving the usual fees for recording, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of minors, &c.

§ 8. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the chancellor or vice-chancellor shall appoint some competent and disinterested person to appear before the said judge and commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Regulations as to travelling.

§ 9. The said corporation is hereby authorized to construct, erect, build, make and use, a single or double rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain such toll-houses and other buildings as shall be necessary for the accommodation of their concerns.

Crossing streams or roads.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road, to intersect or cross any stream of water or water-courses, or any road or highway, being betwixt the places prescribed by the first and fourth sections of this act, it shall be lawful for the said corporation to construct their single or double rail-road across or upon the same; but the corporation shall restore the stream or water-course, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and maintain sufficient fences upon the sides of the route

of their single or double rail-road, when the same passes through enclosed lands, and shall make and maintain a crossing place or places for the use and benefit of each landholder, his heirs and assigns, whose lands are divided by their said road, whenever such crossing place shall be necessary for the ordinary and convenient use of said lands.

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double rail-road aforesaid, hereby authorized to be constructed, erected, built, made and used; but said company shall not take or receive more than four cents per mile for each passenger and his ordinary baggage. Tolls.

§ 12. If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt. Penalty.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the city of New-York, in the paper published by the state printer, and in a newspaper in each of the counties herein mentioned. Calls on stockholders.

§ 14. The directors of said company shall make an annual report in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them; which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and all monies expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

lor shall adjudge reasonable and just, to be paid by said corporation. Upon proof to the said vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the vice-chancellor shall direct, of the amount of said award, and the payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this act; and when the said order or decree shall be recorded in the office of the clerk of the county in which said lands are situated, whose duty it shall be to record the same, receiving the usual fees for recording, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of minors, &c.

§ 8. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the chancellor or vice-chancellor shall appoint some competent and disinterested person to appear before the said judge and commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Regulations as to travelling.

§ 9. The said corporation is hereby authorized to construct, erect, build, make and use, a single or double rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain such toll-houses and other buildings as shall be necessary for the accommodation of their concerns.

Crossing streams or roads.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road, to intersect or cross any stream of water or water-courses, or any road or highway, being betwixt the places prescribed by the first and fourth sections of this act, it shall be lawful for the said corporation to construct their single or double rail-road across or upon the same; but the corporation shall restore the stream or water-course, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and maintain sufficient fences upon the sides of the route

of their single or double rail-road, when the same passes through enclosed lands, and shall make and maintain a crossing place or places for the use and benefit of each landholder, his heirs and assigns, whose lands are divided by their said road, whenever such crossing place shall be necessary for the ordinary and convenient use of said lands.

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double rail-road aforesaid, hereby authorized to be constructed, erected, built, made and used; but said company shall not take or receive more than four cents per mile for each passenger and his ordinary baggage. Tolls.

§ 12. If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt. Penalty.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the city of New-York, in the paper published by the state printer, and in a newspaper in each of the counties herein mentioned. Calls on stockholders.

§ 14. The directors of said company shall make an annual report in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them; which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and all monies expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

State may
purchase
road.

§ 15. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of the said rail-road, together with all monies expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of ten per centum per annum, together with all monies expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Tolls to be
paid to the
state.

§ 16. The said corporation hereby created, shall pay to the commissioners of the canal fund, the same tolls on all goods and other property transported, taken and carried on the said road or ways, except the ordinary baggage of passengers, as may at the time of such transportation on the said rail-road or ways, be required to be paid to this state on the same kind and description of goods and other property transported, carried and conveyed on the Erie canal; and it shall be the duty of the said corporation, on the first days of April, July, October and January, in each year after the said rail-road or any part thereof shall be completed and used, or as soon after the said days as is practicable, to render to the comptroller a quarterly account or statement of all goods or other articles transported, carried or conveyed on the said rail-road or ways; and which account or statement shall specify particularly the weight, quantity and description of goods thus transported, and the distance of such transportation on the said road, and shall be verified by the oath of the president and secretary of said corporation, or any two of the directors.

Road may be
united with
other roads.

§ 17. It shall be lawful for any rail-road company which may hereafter be incorporated, to join and unite with the rail-road company hereby incorporated, at any point which the directors of the said company may think advisable, on such terms as the directors of the two companies respectively may agree; and in case of a disagreement between the directors of the said companies, then upon such terms as the chancellor of this state shall determine to be equitable and just between the said companies.

Canals.

§ 18. Said company shall not construct their rail-road over or at any place within ten rods of any canal belonging to this state, unless said company shall lay before the commissioners aforesaid, a map, plan and profile, as well of the canal as of the route designated for their rail-road,

exhibiting distinctly and accurately the relation of each to the other, at all places within the limits of ten rods as aforesaid; and shall thereupon obtain the written permission of said canal commissioners, with such conditions, instructions and limitations, as in the judgment of said canal commissioners, the free and proper use of any such canal may require.

§ 19. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General powers.

§ 20. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 229.

AN ACT to incorporate the Bowery savings bank.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Benjamin M. Brown, Anson G. Phelps, David Cotheal, E. H. Warner, William Hibbard, Peter G. Stuyvesant, Jacob Aims, Thomas Jeremiah, James Mills, Andrew C. Wheeler, Francis Ficket, Reuben Munson, Hamilton Fish, Wm. E. Craft, John Wood, Frederick R. Lee, Charles Dusenberry, Gideon Ostrander, Peter Coutant, Caleb Bartlett, Joseph R. Taylor, Isaac L. Varian, Jacob P. Bunting, William C. Wales, Robert M. Hartley, William Lee, Henry C. Sperry, *Nicholas Schureman, Lambert Suydam, George C. Thomas, E. D. Comstock, Samuel J. Willis, Peter Gassner, Peter Pinckney, Jabez Lovett, Samuel Andreas, William J. M'Neven, John O'Neal, Smith Ovutt, Luke Usher, and their successors, are constituted and created a body corporate and politic, by the name of "The Bowery Savings Bank," and to be located in the Bowery, north of Grand-street, in the city of New-York. Corporation created.

§ 2. The said corporation shall not take and hold real and personal estate above the clear annual value of five thousand dollars, exclusive of the profits which may arise from the interest accruing on the stock, or from the sale of any stock in which the deposits made in said bank may be invested. Real and personal estate.

Trustees to
act without
pay.

§ 3. The trustees of the said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

Officers.

§ 4. The officers of the said corporation, shall consist of a president and two vice-presidents, who, together with forty trustees, shall constitute a board of managers; five of whom, if the president or one of the vice-presidents be present, shall constitute a legal meeting of such board.

First managers.

§ 5. The several persons named in the first section of this act, shall be first managers of said corporation, and shall elect the president and two vice-presidents from their own body; and all vacancies by death, resignation or otherwise, shall be filled by the board of managers at their first regular meeting after such vacancies shall occur, by ballot; and the person having the majority of the whole number present and voting, shall be considered as duly elected, and not otherwise.

Deposites.

§ 6. The said corporation shall receive as deposits, all sums of money that may be offered for that purpose, in such sums and on such terms as are allowed by this act, for the purpose of being invested in government securities, or any public stock created under and by virtue of any law of the United States or of this state, or of the states of Pennsylvania or Ohio, or of the stock or bonds of the corporation of the city of New-York: and also to loan any money to the Public School Society of New-York on satisfactory real security, worth thirty per cent more than the amount loaned thereon, and also to make temporary deposits in any of the incorporated banks in the city of New-York, and receive interest at such rates, not exceeding that allowed by law, as may be agreed upon; and such deposits shall be repaid to each depositor when required, and at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, and shall not be altered so as to affect any deposit which shall have been made previous to such alteration, until after personal notice thereof.

Investments.

§ 7. No part of the moneys so deposited shall be invested, except in the securities and stocks mentioned in the next preceding section; and no president, vice-president, trustee, or other officer of the said corporation, shall directly or indirectly, borrow or use the funds of the corporation, except to pay the necessary current expenses; and all certificates or evidences of deposits made by the

proper officer, shall be as effectual to bind the corporation as if they were under the common seal thereof.

§ 8. It shall be the duty of the board of managers of said bank, to regulate the rate of interest to be allowed to the depositors, so that they shall receive a rateable proportion of all the profits of the said bank, after deducting all necessary expenses herein authorized to be incurred. Rate of interest.

§ 9. The subordinate officers and agents of said corporation, shall respectively give such security for their fidelity and good conduct, as the board of managers may from time to time require; and said board shall fix the salaries of such officers and agents. Officers to give security.

§ 10. The said corporation shall make an annual report to the legislature, and to the common council of the city of New-York, of the state of their funds and investments. Annual report.

§ 11. The books of said corporation, shall at all times during the hours of business, be open for inspection and examination to the comptroller of this state, and such other persons as the legislature shall designate or appoint. Books may be inspected.

§ 12. When any deposit shall be made by any person being a minor, the said corporation may, at their discretion, pay to such depositor such sums as may be due to such minor, although no guardian shall have been appointed for such depositor, and the receipt or acquittance of such minor shall be as if the same were executed by a guardian of such minor duly appointed. Deposites by minors.

§ 13. The said board of trustees may from time to time, regulate the rate of interest to be allowed to depositors, so that the interest to be allowed to depositors to the amount of five hundred dollars or upwards shall be at least one per cent less than the interest allowed others. Rate of interest.

§ 14. The said board of trustees shall once in three years report to the legislature the amount of unclaimed deposits on hand, and the interest thereon, and the names of all depositors who have not within twelve months prior to said report received any dividend. Unclaimed deposits.

§ 15. The provisions contained in the eighteenth chapter of the first part of the Revised Statutes, shall be deemed and taken as a part of this act, except where the same are herein altered, modified or changed. General provision.

§ 16. The amount of deposits received by said corporation shall not exceed five hundred thousand dollars. Amount limited.

§ 17. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 230.

AN ACT further to amend the act entitled "*An act to amend the several acts relating to the city of Albany, and to combine the same into one act,*" passed April 13, 1826.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Amount of
taxes to be
levied and
collected.

§ 1. The mayor, aldermen and commonalty of the city of Albany, in common council convened, shall and may from year to year cause a tax not exceeding twenty thousand dollars, to be assessed, collected and paid in the same manner as the other contingent expenses of the county of Albany are assessed, collected and paid for the defraying of contingent expenses of the city of Albany; and the supervisors of the county of Albany being served with a copy of the resolution of said common council of Albany, directing such sum and specifying the purposes for which such sum is required to be raised, shall cause the same to be raised, assessed and collected according to law; and such moneys when collected shall be paid to the chamberlain of the said city, and shall be drawn for and applied under the direction of the common council of said city.

Repeal.

§ 2. The fourth section of the act entitled "An act to amend an act to amend the several acts relating to the city of Albany, and to combine the same into one act," passed April 2, 1827, is hereby repealed, and so much of the third, fourth and fifth sections of the act hereby amended as is inconsistent with the provisions of this act is hereby repealed.

Lancaster
school.

§ 3. That part of section thirteenth of the act "To amend the several acts relating to the city of Albany, and to combine the same into one act," passed April 13th, 1826, which directs the sum of five hundred dollars to be paid annually by the mayor of the city of Albany, out of the excise duties, to the trustees of the Albany Lancaster school, is hereby repealed; and the same shall be paid to the county treasurer for the use of the poor.

Charter elec-
tion to be
held in May.

§ 4. All aldermen, assistant aldermen and constables in said city, instead of being annually chosen on the last Tuesday of September, as is directed by the fourth section of the act above referred to, shall be chosen on the first Tuesday of May in each year, at the time specified by the said section for the election of supervisors and other town officers; and the inspectors holding such election shall provide two ballot boxes, on one of which shall be distinctly marked "Ward," and on the other "Charter."

The ballots for aldermen and assistant aldermen shall be distinct and separate from those for any other officers then to be chosen, and shall be distinctly endorsed, charter, and when finally received by the inspectors, shall be deposited in the box marked charter; and the ballots for any other officers then to be chosen, shall be deposited in the box marked ward. The said election shall in all other respects be held, conducted, returned and certified in the manner now or hereafter required by law, and the certificate of the election of aldermen and assistant aldermen shall be filed in the office of the clerk of the common council.

§ 5. The aldermen and assistant aldermen shall be sworn into office on the second Tuesday of May, or as soon thereafter as they shall appear in common council. Mens. borg when to be sworn.

§ 6. Two constables may be elected in each ward of said city, on the first Tuesday of May in each year. Constables.

§ 7. The next election for aldermen, assistant aldermen and constables shall be held on the first Tuesday of May, eighteen hundred and thirty-five; and the present aldermen and assistant aldermen shall continue in office and hold over until that time. Next election when to be held.

§ 8. All bonds executed by constables who were elected on the last Tuesday of September, one thousand eight hundred and thirty-three, and which will expire on the first Tuesday of October, one thousand eight hundred and thirty-four, shall, within eight days after said last mentioned time, be renewed by the execution of new bonds, pursuant to the requisitions of the Revised Statutes, and shall continue in full force until the first Tuesday of May, one thousand eight hundred and thirty-five. Bonds to be renewed.

§ 9. All actions against a constable and his sureties upon any such instrument, shall be prosecuted within two years after the expiration of the time to which the same is limited. If any such constable shall not renew his bond in the manner above required, within the time limited for that purpose, such neglect shall be deemed a refusal to serve. Actions against constables.

§ 10. All persons who being habitual drunkards, destitute, and without visible means of support, or who being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, who being complained of by such families; all able bodied or sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch houses, out houses, market places, sheds, stables, or uninhabited buildings, or in the open air, and not giving a good account of them- Vagrants.

selves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before the police justice of such city, be sentenced to confinement in the county jail or work-house, for any time not exceeding sixty days, at hard labor.

Disorderly
persons.

§ 11. All persons who have actually abandoned their wives or children in the city of Albany, or who may neglect to provide according to their means for their wives or children, are hereby declared to be disorderly persons, within the meaning of title fifth, of chapter twentieth, of part first of the Revised Statutes, and may be proceeded against as such in the manner directed by said title. And it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the conduct of any person amounts to such desertion or neglect to provide for his wife or children.

Excise.

§ 12. The provisions of title ninth, of chapter twenty of part first of the Revised Statutes, in relation to excise and the regulations of taverns and groceries, shall be construed so as not to extend to the city of Albany.

Common
schools.

§ 13. The provisions of an act to amend an act entitled "An act relating to common schools in the city of Albany," passed April 11, 1831, are hereby continued in full force and operation for the term of five years from and after the passage of this act.

CHAP. 231.

AN ACT to annex a part of the town of Onondaga to the town of Camillus, in the county of Onondaga.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All that part of the town of Onondaga lying north of the south line of lots number forty-eight, forty-nine, fifty, fifty-one and fifty-two, is hereby annexed to the town of Camillus, and shall hereafter constitute a part of said town of Camillus.

CHAP. 232.

AN ACT to incorporate the *Essex county academy*.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Asahel Lyon, Platt R. Halstead, Benjamin P. Douglass, and their associates, together with such other persons as may become members of the corporation hereby created, shall be, and they are hereby constituted and declared to be a body corporate and politic, by the name of the "Essex County Academy," to be located in the village of Westport. Corporation created.

§ 2. The capital stock of said corporation shall not exceed twenty-five hundred dollars, and shall be divided into shares of twenty-five dollars each; and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation. Stock.

§ 3. The affairs of said corporation shall be managed by nine trustees, to be chosen annually by the stockholders on the first Monday in May in each year, by a plurality of votes of the stockholders present; each stockholder shall be entitled to one vote for each share of stock owned by him. Trustees.

§ 4. Aaron B. Mack, Charles Hatch, Charles B. Hatch, George P. Reynolds, Ira Henderson, Norris McKinney, Barnabas Myrrick, Caleb P. Cole and Joseph Cole, shall be the first trustees of said corporation, and shall hold their offices until the first Monday in May, one thousand eight hundred and thirty-five, and until others are elected. First trustees.

§ 5. The said trustees may choose from their number a president, secretary and treasurer; and whenever any vacancy shall happen in the office of trustee, by death, resignation, or refusal to act in said office, the remaining trustees may elect other or others of the members of said corporation to supply such vacancy, with all the powers, duties and interests of his or their predecessor or predecessors. President, &c.

§ 6. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in title third of chapter eighteen of the first part of the Revised Statutes. General powers.

§ 7. The said academy shall not be entitled to any share or proportion of the income to the literature fund, until the regents of the university shall be satisfied that Literature fund.

said academy has complied with all the requisites which would authorize and induce the regents to incorporate the same; and in that case, said corporation shall be entitled to its distributive share of said income, subject to the regulations and restrictions applicable to academies incorporated by said regents.

CHAP. 233.

AN ACT to appoint commissioners to lay out a road from the head of the Crooked Lake, in the county of Steuben, to the village of Angelica, in the county of Allegany.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Com-
missioners.

§ 1. Andrus A. Norton, Reuben Robie and John Lloyd, are hereby appointed commissioners to lay out a public highway or so alter the present ones as to make one continuous road from the village of Hammondsport, at the head of the Crooked Lake, in the county of Steuben, on the best and most practicable ground, to the village of Angelica, in the county of Allegany; the whole to be so laid out and present roads altered as they the said commissioners shall deem most conducive to the public good.

Their duties.

§ 2. The said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath, before some justice of the peace, or other officer authorized to administer oaths, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate survey of so much of said road as shall fall within each town on its route, to be filed in the clerk's office of such towns respectively. And if such road shall be laid through any improved land, the damages shall be appraised and paid, and the road opened and improved, in the same manner as prescribed in chapter sixteen, title one, and article fourth of the first part of the Revised Statutes; and the commissioners and their surveyors shall be allowed each one dollar and fifty cents per day for the time they shall necessarily be employed in the duties aforesaid.

Their ac-
counts to be
audited.

§ 3. It shall be the duty of the board of supervisors of the counties of Steuben and Allegany, to audit and allow the accounts of the said commissioners and surveyors, for the time they shall be employed in their respective towns in laying out said road, and the same shall be levied and

collected as a part of the contingent expenses of said counties.

§ 4. It shall be the duty of the commissioners of roads of the several towns through which the said road shall be laid, immediately thereafter to cause such road to be opened and districted and worked in the same manner as other roads in said towns. Road to be opened and worked.

CHAP. 234.

AN ACT *authorizing the trustees of the town of Glenville to receive commutation for certain quit-rents.*

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The trustees of the town of Glenville, in the county of Schenectady, are authorized to receive commutation for certain quit-rents payable to said town, which were originally payable to the city of Schenectady, at a rate of not less than one hundred dollars for every seven of quit-rent, or in that proportion; and the same, when paid, shall be considered principal belonging to the funds of said town.

CHAP. 235.

AN ACT *in relation to issuing attachments for witnesses by justices of the peace in certain cases.*

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The proof required to obtain an attachment for a witness in any suit before a justice of the peace by section eighty-three, of chapter second, part third of the Revised Statutes, may be made by the affidavit of the party in the suit applying for such attachment, or by other competent testimony, to the satisfaction of the justice before whom such suit is pending.

CHAP. 236.

AN ACT to amend sections thirty-nine and forty-two of part first, chapter twentieth, title first of the Revised Statutes, so as to authorize any one of the overseers of the poor to perform the services therein mentioned.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Any one of the overseers of the poor, is hereby authorized to perform the services mentioned in the thirty-ninth and forty-second sections of part first, chapter twentieth, title first of the Revised Statutes.

§ 2. So much of the thirty-ninth and forty-second sections of the act hereby amended, as is contrary hereto, be and the same is hereby repealed.

CHAP. 237.

AN ACT to provide for deficiencies in the revenue of the Crooked Lake canal, and to confirm certain acts of the commissioners of the canal fund in relation thereto.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. All deficiencies in the revenue of the Crooked Lake canal to keep it in repair, and to pay the interest upon its cost, and also the sums advanced by the commissioners of the canal fund on account of interest, and to enable the acting canal commissioners to close the contracts for its completion, and to provide for its preservation and repair, shall be a charge upon the general fund, and shall be paid by the treasurer upon the warrant of the comptroller.

CHAP. 238.

AN ACT requiring the board of supervisors of the county of Chenango, to raise money to build a bridge across the Chenango river, in the town of Greene.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Whenever the board of supervisors of the county of Chenango, shall be duly notified by the commissioners in this act appointed, or any two of them, that the interest of the present owners of the bridge across the Chenango river, at the village of Greene, has been extinguished by voluntary subscription, and the sum of five hundred dollars has been raised in like manner, and paid to the said commissioners, or secured to be paid to them on demand, it shall be the duty of the said board of supervisors at their next annual meeting after receiving such notice, to cause to be assessed, levied, and collected from the freeholders and inhabitants of the town of Greene, in the same manner as other contingent charges of said town are by law directed to be levied and collected, the sum of three hundred and thirty-three dollars and thirty-three cents; and also at their annual meeting in each of the two succeeding years, they shall cause to be raised in like manner, the like sum annually, to be paid over to said commissioners, for the purpose of erecting a new bridge over the Chenango river on the site of the present bridge.

Amount to be raised by tax.

§ 2. Elijah Rathbone, David W. Lyon, and Erastus S. Perkins, shall be commissioners to contract for and superintend the building said bridge, each of whom shall be entitled to receive one dollar and fifty cents per day for services actually performed, to be retained out of said money to be raised for rebuilding said bridge; and before they or either of them shall enter upon the duties of said office, they shall execute their joint bond to the people of this state, in the penal sum of three thousand dollars, and deposit the same with the supervisor of said town, conditioned for the faithful expenditure of all monies that shall come into their hands for the purposes aforesaid, and to render a just and true account to the supervisor of said town whenever thereto required.

Building commission-
err.

§ 3. The freeholders and inhabitants of the said town of Greene, shall, at each annual town meeting after the said bridge shall be completed, choose in the same manner as other town officers are directed to be chosen, some person to be overseer of said bridge, who shall have a

overseer

general care and oversight of the same, and shall cause all necessary repairs to be made from time to time, and to prosecute for all penalties created by this act, and the account of said overseer shall be audited and paid in the same manner as other contingent expenses of said town.

Penalty.

§ 4. If any person shall cut, deface, or in any manner injure said bridge, he shall forfeit and pay treble damages, with costs of suit; and if any person shall ride or drive over said bridge faster than a walk, he shall forfeit and pay the sum of one dollar for each offence, with costs of suit, which forfeitures shall be recovered in the name of the overseer of said bridge for the time being, one-half for the use of said bridge and the other half to be retained by him for his own use.

Notice.

§ 5. It shall be the duty of the overseer to put up and cause to be kept up at each end of said bridge, notice of the penalties created by this act; and no penalty shall be recovered except upon proof of the existence of such notice at the time the offence was committed.

Vacancies. F

§ 6. In case a vacancy shall happen in the office of overseer, he may be appointed by the commissioners of highways of said town, to hold his office until the next annual town meeting.

CHAP. 239.

AN ACT to authorize John Cooper, junior, to erect a dam across the Conhocton river, in the town of Erwin, in the county of Steuben.

Passed May 1, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Dam.

§ 1. John Cooper, junior, is hereby authorized to erect and maintain a dam across the Conhocton river, in the town of Erwin, in the county of Steuben, on the land of the said John Cooper, junior, of sufficient height to enable him and his assigns to use the water of said river for the purpose of propelling or operating mills, or for such other hydraulic uses as he and they may choose to apply the same.

Apron or lock.

§ 2. Whenever the said John Cooper, junior, shall erect said dam, it shall be the duty of said Cooper to construct and keep in repair, a slope apron or lock in said dam, of such dimensions as to render at all times a safe and easy passage for rafts, arks, boats or other floats to pass

during the continuance of said dam, free of expense, without any interruption or obstruction.

§ 3. The said Cooper shall construct said dam in such a manner as not to affect or conflict with the rights and privileges of others, and the legislature may at any time hereafter alter or repeal this act. Rights reserved.

CHAP. 240.

AN ACT concerning the connection of the Atlantic navigation with the internal navigation of the State.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The canal commissioners shall, with all convenient speed, cause separate surveys to be made of the Hudson river, the one from the city of Albany to New-Baltimore, the other from the city of Troy to the city of Albany, by some competent engineer to be by them selected, for the purpose of ascertaining the nature of the obstructions to the ship and sloop navigation, the practicability of their permanent removal, and the cost of such removal: and the said commissioners shall, in like manner, cause to be made a survey of a ship canal route, from some point opposite the city of Albany, in the town of Greenbush, to New-Baltimore, on the plan suggested by Edmund C. Genet, as mentioned in the report of the canal commissioners to the legislature in the year one thousand eight hundred and twenty: and shall, in like manner, ascertain, by estimate, the expense of the construction of said canal: and the said commissioners shall report in detail such surveys and estimates to the legislature, within ten days after the commencement of the next session thereof.

CHAP. 241.

AN ACT concerning the Literature fund.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The revenue of the literature fund now in the treasury, and the excess of the annual revenue of said Excess of the annual revenue.

fund hereafter to be paid into the treasury, over the sum of twelve thousand dollars, or portions thereof, may be distributed by the regents of the university, if they shall deem it expedient, to the academies subject to their visitation, or a portion of them, to be expended as hereinafter mentioned.

Teachers of
common
schools.

§ 2. The trustees of academies to which any distribution of money shall be made by virtue of this act, shall cause the same to be expended in educating teachers of common schools, in such manner and under such regulations as said regents shall prescribe.

CHAP. 242.

AN ACT to incorporate the village of Camden, in the county of Oneida.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. All that district of country in the town of Camden and county of Oneida, contained within the following boundaries, that is to say: Commencing at the southwest corner of the land owned by Elial Dunbar, from thence south forty-five degrees west, twenty-seven chains and thirty links to the road leading from Camden to Williams-town; from thence south twenty-five degrees west, thirty-three chains and sixty links to the east side of the road leading from Camden to Amboy; from thence south twenty-nine degrees east, forty-six chains and twenty links to the southwest corner of the cider-mill house of Ezekiel Scovill; from thence north fifty-seven degrees east, eight chains to a post marked and standing in the fence, on the east side of the road leading from Camden to Vienna; from thence north seventeen degrees east, twenty-nine chains to a stake and stump; from thence north thirty degrees east, seventeen chains to the junction of the road crossing Mad river; from thence north fifteen degrees west, forty-four chains and fifty links to the place of beginning. And the freeholders and inhabitants residing, or who may hereafter reside within the limits aforesaid, are hereby constituted a body corporate, by the name of "The Village of Camden;" shall provide and keep a common seal, may alter or change the same at pleasure; and shall be capable of purchasing, holding and conveying any real or personal estate, situate within said village, for the use thereof.

§ 2. The first annual meeting of the said inhabitants shall be held on the second Monday of March, at one o'clock in the afternoon, at the house now occupied by George L. Coe, in said village. Every annual meeting thereafter, shall be held at such time and place in said village as shall have been designated therefor, at the next preceding annual meeting. The trustees may call special meetings. Annual meeting.

§ 3. Eight days previous notice of the time and place of holding any meeting of the inhabitants of said village shall be given, by putting up written or printed notices thereof, at three or more public places in said village. Notice.

§ 4. Such notice of the first meeting of the inhabitants of said village shall be given by a justice of the peace residing therein; notice of every other meeting shall be given by the trustees of said village. By whom to be given.

§ 5. If, for any cause whatever, the first meeting of the inhabitants of said village shall not be held on the day specified in the foregoing second section, any five freeholders of said village may give notice of the time and place for holding such first meeting, which shall be on some day previous to the fourth day of July next. Saving clause.

§ 6. At the said first meeting, such person shall preside as the inhabitants then present shall choose for that purpose. At every other meeting of the inhabitants of said village, the trustees of said village, or some one of them, shall preside. Presiding officer.

§ 7. The person or persons presiding at any meeting shall have the like authority to preserve order, to enforce obedience, to commit for disorderly conduct, to judge of the qualifications of any person offering to vote for any officer to be elected, or upon any resolution to be offered, and to canvass the votes given, and to declare the result thereof, as is given to the persons presiding at a town meeting. His powers.

§ 8. The inhabitants of said village qualified to vote, shall then and there elect five discreet freeholders of said village to be trustees thereof, three assessors, one treasurer, one constable and one collector, resident therein, for said village; and the person duly elected to preside at said meeting shall declare the person having the greatest number of votes duly elected to the several offices aforesaid; and the several officers aforesaid, shall hold their offices until the second Monday of March next after their election, and until others are elected in their stead, and have taken their oaths of office required by this act. But if, from any cause whatever, such officers, or any of them, shall not be Officers to be elected.

chosen on the day herein appointed for the same, the corporation of said village shall not be dissolved, but it shall be lawful for the inhabitants of said village, on some other day, to be notified by the trustees for the time being aforesaid, to elect any or all of the officers aforesaid, not before chosen in manner aforesaid.

Notice of acceptance.

§ 9. The officers chosen at the first annual meeting shall, within ten days after their election, deliver to the person who shall have presided thereat, written notices of their acceptances of the office to which they have been respectively chosen, to be by such person filed with the clerk of said village. All officers who shall thereafter be chosen or appointed for said village, shall, within ten days after their election or appointment, deliver a like notice to the clerk of said village, who shall file the same.

Qualification

§ 10. All officers shall be residents, and the trustees and assessors shall be freeholders of said village.

Voters.

§ 11. No person shall be entitled to vote for any officer of said village, unless he resides therein; nor on any question relating to the raising or appropriating of moneys in said village, unless he be a taxable inhabitant thereof.

Taxes.

§ 12. Taxable inhabitants of said village shall have power, at any annual or special meeting, to direct the raising by tax of such sums not exceeding three hundred dollars, during the first year after this act takes effect, and not exceeding two hundred and fifty dollars during any subsequent year, exclusive of highway taxes, as they may deem necessary to carry into effect the intent and provisions of this act, except for the purchase of a fire engine.

President.

§ 13. It shall be the duty of the trustees of said village, within ten days after each annual meeting, to choose one of their number to be the president of the said corporation: such president shall preside at all the meetings of the trustees, to be held during the term of his appointment. In case of his absence from any such meeting, the trustees attending shall choose one of their own number to preside and trustees shall, at said meeting, elect some and perform the duties of the president in his absence. The inhabitant of said village for a clerk.

Stated meetings.

§ 14. It shall be the duty of said trustees to hold stated meetings at the times prescribed in the by-laws, and to publish the by-laws, regulations and ordinances which they shall make and ordain, by posting copies of the same in three public places in said village.

By-laws.

§ 15. The trustees shall have power:

1. To purchase fire engines and other usual and necessary apparatus and implements for extinguishing fires, and to erect houses for the safe keeping thereof.

2. To inspect, and cause to be inspected, fire places, chimneys, stoves and stove-pipes, and to cause the same to be put and kept in safe condition, and to enter houses, for such purposes at all proper times.

3. To compel the inhabitants of said village to provide and keep fire-buckets.

4. To compel the said inhabitants to make scuttles in the roofs of their buildings.

5. To organize and provide for the government and exercise of a fire-engine company, not exceeding twenty-five men; a hook and ladder company, not exceeding ten men; and when they are called out to extinguish any fire, they are to act under the direction of the trustees of said village as fire-wardens. The trustees may compel the inhabitants of said vilage to aid in extinguishing fires.

6. To compel the inhabitants of said village to deposite their ashes in safe places.

7. To purchase hay-scales and regulate the manner and prices of weighing hay and other heavy commodities, and to appoint a weigh-master who shall hold his office during the pleasure of said trustees.

8. To remove and prevent obstructions in the streets and side-walks, creeks and mill-ponds, and to prevent injuries to the side-walks and all ornamental trees which may be planted by the same, or around the public square: Also to prevent immoderate riding and driving.

9. To restrain the running at large in said village of cattle, horses, sheep, swine and geese.

10. To provide for the safe keeping and repairing of the property of the corporation.

11. To appoint the times and places of holding their stated and special meetings, and to prescribe the manner of calling special meetings.

12. To fill vacancies that shall happen in any office from any cause, by appointment under the hands of the president and clerk, and seal of the corporation.

13. To direct the times within which the assessors of said village shall complete their assessments, and to correct such assesments on appeal.

14. To require of the treasurer and collector of said village, such security for the faithful performance of the duties of their respective offices as they shall think proper.

15. To issue warrants under their hands for the collection of taxes, to renew the same on any tax not having been collected, and to direct the time within which the collector shall collect and pay over the same.

16. To prescribe the manner in which moneys shall be drawn from the hands of treasurer.

17. To make, ordain and alter, amend and repeal all such by-laws, rules, regulations and ordinances which may be necessary to carry into effect the intent and provisions of this act, which shall take effect after the expiration of eight days after the first publication.

18. To prescribe and ordain suitable fines, penalties and forfeitures for offences against such by-laws, rules, regulations and ordinances, and the provisions of this act, not exceeding ten dollars for any one offence, and to remit such fines, penalties and forfeitures, wholly or in part.

19. To prevent the use of fire-works and fire-arms in the streets.

20. To prevent, restrain or regulate all exhibitions of natural or artificial curiosities, caravans of living animals or other shows or exhibitions or performances for money, and to prevent any riot or noise, disturbance or disorderly assemblages.

Road districts.

§ 16. The said village shall be one or more road districts, and exempt from the superintendence or control of the commissioners of highways of the town of Camden, excepting the several bridges over the west branch of Fish creek, and of Mad river, which shall continue under the care and superintendence of the said commissioners in all respects as though this act had not been passed. And the trustees of said village shall be commissioners of highways therein, and shall possess all the powers, and be charged with all the duties of commissioners of highways in towns. They shall appoint overseers in the several road districts, and in their warrants may direct what portion of the labor shall be performed in making and improving the side-walks in the several districts, and the place and manner of doing the same.

Clerk.

§ 17. The clerk of said village shall have the custody of the books, records, papers and common seal of said corporation, and shall file and preserve all papers delivered to him for that purpose. He shall attend all the meetings of the inhabitants of said village, and of the said trustees, and record the proceedings of such meetings in a book or books to be provided for that purpose: He shall keep a poll list of the names of persons voting at any election of officers for said village. In case no clerk shall be attending at any such meeting, such person as shall be chosen or appointed therefor, shall on such occasion perform the duties appertaining to the office of clerk.

Treasurer.

§ 18. It shall be the duty of said treasurer of said village, to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees; to receive all moneys belonging to the said

corporation, and to pay over the same in manner directed by the said trustees; to account for such moneys to the inhabitants of said village at their annual meetings, and to the said trustees when thereunto required by them.

§ 19. Whenever the taxable inhabitants of said village shall have directed the raising of any sum or sums of money by tax, the assessors of said village shall, within such time as the trustees shall have directed, make out a tax list thereof, in which they shall set down the names of all the taxable inhabitants of said village, and the names, or so far as they can be ascertained, of non-residents who shall own real estate situate therein, the quantity of real estate, and the value of the real and personal taxable property of the inhabitants of said village, and the description, quality and value of the taxable real estate situate therein, belonging to such non-residents, and they shall apportion the sum or sums to be raised by such tax on such inhabitants and non-residents in proportion to the valuation of such property.

Tax-list to be made out.

§ 20. Whenever the said assessors shall have completed a tax-list for any purpose whatever, they shall deliver the same to the president of said corporation, or in case of his absence, to the clerk of said village. Such president or clerk shall thereupon forthwith give public notice, by written or printed notices to be put up at three or more public places in said village, of the completion of such tax-list by the said assessors, and shall specify in such notice the time and place at which the said trustees will meet, to hear appeals from the doings of the assessors. The time of said meeting shall not be less than ten days from the putting up of such notice. All persons to be affected by such tax shall have the privilege, at all reasonable times at or previous to such meeting of the trustees, to examine such tax-list and to appeal therefrom to said trustees at the time and place mentioned in such notice, and at such other times and places as they shall appoint therefor. The said trustees shall meet, and on receiving any such appeal, shall have power to alter and correct such tax-list as they shall deem just and equitable.

Notice to be given thereof.

§ 21. Whenever such tax-list shall be finally completed, the said trustees shall forthwith cause a copy thereof to be delivered to the treasurer of said village, and another copy thereof, with their warrant thereunto annexed for the collection of the taxes therein mentioned, to the collector of said village.

Copies to be made out.

§ 22. It shall be the duty of said collector to give such security for the faithful performance of the duties of his

Collector to give security.

office as shall be required by the said trustees. Upon receiving any tax-list and warrant, he shall collect and pay over to the treasurer of said village the taxes mentioned in such list, retaining his fees for collection, within the time specified in such warrant therefor, or within such further time as shall be allowed therefor by the said trustees. In the collection of taxes, the collector of said village shall have the like authority and proceed in the same manner as collectors of taxes in towns.

Privileges of
firemen.

§ 23. Every inhabitant of said village belonging to any fire company or hook and ladder company therein, shall be exempt from serving on juries and from doing military duty, except in case of war, invasion or insurrection. The evidence of the right to such exemptions shall be a certificate, signed by the president or clerk of said village, and dated within sixty days previous to the time when such duty or service might otherwise be required.

Fines how to
be recovered.

§ 24. Any fines, penalties and forfeitures incurred for any offence against any of the by-laws of said village, or against any of the provisions of this act, shall be sued for and recovered by the said trustees, in an action of debt, in the name of said corporation, before any justice of the peace or court having jurisdiction thereof; in which action it shall be sufficient to declare and plead generally, and under such declarations and pleadings, to give the special matter in evidence. No inhabitant of said village shall for that cause be disqualified from being a justice, juror, witness or constable in any such action. Such fines, penalties and forfeitures, when collected, shall, within ten days thereafter, be paid to the treasurer of said village, for the use thereof.

Streets and
roads.

§ 25. Upon the petition or consent in writing of a majority of the persons liable to be assessed therefor, the trustees may lay out, make and open streets, roads, alleys or highways in said village, but no building shall be removed without the consent of the owners, and shall in all cases cause the same to be accurately surveyed, described and recorded in a book to be kept by the clerk of said village, and the same when open and made shall be public highways.

Taxes from
whom to be
collected.

§ 26. All assessment for taxes upon real estate shall be against the owner and occupant, and may be collected of either, and if paid by the occupant, may be recovered by him in an action of debt against the owner of or for money paid at his request. Taxes against non-resident owners of land may be collected in the ordinary way, or by suit in the corporate name; a certificate under the corporate seal, signed by the president and clerk, specifying

the amount of tax, the lots of land upon which it was assessed, shall be evidence in any such suit. Interest and costs shall be allowed in all such cases.

§ 27. Every assessment shall remain a lien on the premises described therein for one year. In case of non-payment, the premises may be sold at any time within the year, and after nine months from the filing the assessment roll with the treasurer. Before any such sale, an order shall be made by the trustees, which shall be entered by the clerk at large in the records of the village, directing the collector to sell, and particularly describing the premises to be sold, and the assessment for which the sale is to be made, and a copy of which order shall be delivered to the collector. The collector shall then advertise the premises to be sold for six weeks, in the manner required in the case of mortgage sales, and the sale shall be conducted in the same manner. The proceedings may be stopped at any time by the owner, by paying to the collector the amount of assessment, interest and expense of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the assessment, interest and expenses. Affidavits of the advertisement and sale shall be made as required in the case of mortgage sales, and filed in the office of the clerk of the village, and stating precisely the amount of assessment, interest and expenses for which the sale was made. The money, in case of redemptions, may be paid to the purchaser, or for him to the clerk of the village. The trustees on the day of sale shall make a declaration, in writing, under the corporate seal, containing a description of the premises, the fact of the assessment, advertisement and sale, and the time for which the premises were sold, and deliver the same to the purchaser, which declaration shall be evidence of his right to the occupancy of such premises for the said period from the day of sale. All buildings and other fixtures put on the premises in the exercise of such right of occupancy during the period, may be removed at the expiration thereof.

§ 28. The clerk, treasurer, assessors and collector, and officers and agents appointed and employed by said trustees, shall be allowed such reasonable compensation as the said trustees shall provide by a by-law for that purpose.

§ 29. All persons elected or appointed by the trustees of said village to office, shall, within six days after each election or appointment, and before they proceed to execute the duties of their respective offices, take and subscribe an oath or affirmation, before any justice of the peace in said county, for the faithful execution of the trust

or office to which they may be severally chosen or appointed.

Right to repeal.

§ 30. The legislature may at any time alter, modify or repeal this act.

CHAP. 243.

AN ACT to incorporate the *Brooklyn Lyceum*.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Corporation created.

§ 1. The present members of "The Brooklyn Lyceum, auxiliary to the American Lyceum," and all persons who may hereafter be associated with them, shall be and are hereby constituted a body corporate and politic, by the name of "The Brooklyn Lyceum," for the promotion of intellectual and moral improvement, with full power to purchase, take, hold and convey, by grant, demise or otherwise, real and personal estate, to the amount of twenty-five thousand dollars, and in addition thereto a cabinet of natural history, library, museum, philosophical and other apparatus, and personal property, as may be necessary and requisite to attain the objects and carry into effect the purposes of the said incorporation; the said real and personal estate, however invested, together with the property in said cabinet, library, museum, philosophical and other apparatus and personal property, shall be divided into shares of twenty-five dollars each, which shares shall be deemed personal property, and be transferable as such.

Officers.

§ 2. The officers of the said lyceum shall consist of a president, two vice-presidents, a corresponding secretary, a recording secretary, a treasurer, and eight managers, who, together with the said officers, shall form a board of directors, who shall be annually chosen, and who shall continue in office one year, or until others shall be elected in their places.

First officers.

§ 3. Peter W. Radcliff shall be the first president, Jeremiah Johnson and Theodore Eames the first vice-presidents, Gabriel Furman the first corresponding secretary, Alden J. Spooner the first recording secretary, Josiah Dow the first treasurer, and Seth Dow, Daniel Carroll, Fanning C. Tucker, James Walters, William L. Hudson, Evan M. Johnson, Gold S. Silliman, and George Brinck-erhoff the first managers, who shall hold their respective

offices until the first Wednesday of October next, and until others shall be chosen in their places.

§ 4. The estate, property, and funds of the said corporation, shall be held for and devoted solely to the purposes and objects of literature, science and the arts, and shall be liable to all public taxes and assessments, in the same manner as the property of individuals. Object.

§ 5. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in chapter eighteenth of the first part of the Revised Statutes. General powers.

§ 6. The present constitution of the said association, shall, after the passing of this act, continue to be the constitution thereof, with the substitution of the title of "The Brooklyn Lyceum, auxiliary to the American Lyceum," and this act shall commence and take effect immediately after the passing thereof. Constitution.

CHAP. 244.

AN ACT to authorize the sale of a certain gore of land in the village of Lodi, in the town of Salina.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be the duty of the surveyor-general to cause a gore of land of about one acre and a half, in the village plot of Lodi, town of Salina and county of Onondaga, lying on the north side of the turnpike, and next east of the tract of twenty-five acres of land directed to be conveyed to the holder of the lease thereof, by an act passed March tenth, one thousand eight hundred and twenty-seven, and being part of blocks twelve and twenty-three in said village of Lodi, to be appraised; and the commissioners of the land-office shall then cause the same to be granted to John H. Lathrop, the owner of said twenty-five acres (which twenty-five acres are in part located on the west part of said blocks twelve and twenty-three in said village plot,) and who has the said gore of land in his possession, on his paying into the treasury of this state the appraised value of said piece of land.

CHAP. 245.

AN ACT *to allow and regulate costs in cases of attachments.*

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Costs.

§ 1. That in cases of attachments against the property of absent, concealed, or non-resident debtors, pursuant to article first, title first, chapter fifth of the second part of the Revised Statutes, when an attorney or counsellor shall be employed to conduct the proceedings, there shall be allowed and paid out of the funds of such debtor before distribution, to the prosecuting creditor, the legal costs of such attorney and counsel, to be taxed by the judge or supreme court commissioner issuing such attachments.

Expenses.

§ 2. That for such attorney and counsel, for the necessary disbursements, and for drawing the necessary papers, the same rate of allowance shall be taxed as in cases prosecuted in the supreme court, where supreme court costs are allowable: and the like fees for attorney and counsel fee may be taxed for any attendance before the trustees, as are now taxable upon a reference in the supreme court.

CHAP. 246.

AN ACT *concerning the circuit courts in the county of Schoharie.*

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. A circuit court, and court of oyer and terminer, and jail delivery, shall be holden in and for the county of Schoharie, on the third Monday of October, one thousand eight hundred and thirty-four, and not on Tuesday next after the second Monday of October, as the same are now appointed.

CHAP. 247.**AN ACT for the relief George H. Feeter.**

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The treasurer of this state is authorized and required to pay, on the warrant of the comptroller of this state, the sum of thirty-one dollars and ninety-one cents, with interest from the twenty-first day of January, one thousand eight hundred and thirty-two, to George H. Feeter, of Little Falls, he having on that day overpaid the account of Aaron Hackley, due the state to that sum.

CHAP. 248.**AN ACT for the relief of Margaret Elizabeth Dominick Marvin and Ann Dominick Marvin.**

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That it shall and may be lawful for Margaret Elizabeth Dominick Marvin and Ann Dominick Marvin, infant children of Charles Marvin, late of Woodstock, in the province of New-Brunswick, but now of the city of New-York, an alien, and of Margaret E. his wife, to take by inheritance, gift or devise from their said mother, any real estate within the state of New-York, or other property, to hold, and when of lawful age, to convey the same as though they were American citizens.

CHAP. 249.**AN ACT to incorporate the Saratoga and Washington rail-road company.**

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. John Knickerbacker, and such other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by as Corporation created.

the name of "The Saratoga and Washington rail-road company," for the purpose of constructing a single or double rail-road, commencing at the present termination and landing place of the Saratoga and Schenectady rail-road in Division-street, in the village of Saratoga Springs, and running from thence, by the most advantageous route, to Whitehall, in the county of Washington; to take, transport, carry and convey passengers and their ordinary baggage upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited. § 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence, and within five years thereafter construct, finish and put in operation the said single or double rail-road or way, then the said corporation shall thenceforth cease, and this act shall be null and void.

Stock. § 3. The capital stock of the said company shall be six hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct.

Commissioners to receive subscriptions. § 4. John Knickerbacker, Moses Williams, Miles Beach, Nicholas Hill, junior, George Reynolds, Elias Pat-tison, Jonas C. Hearitt, Moses Craft, Nathan Dauchy, Isaac McConihe, Orville Clark, and Dennis Jones, shall be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the city of Troy, or in the city of Albany, or in the village of Ballston Spa, or in the village of Saratoga Springs, or in the village of Whitehall, or in each or any of those places, as the said commissioners, or a majority of them, shall determine, to open books to receive subscriptions to the capital stock of said corporation; which books shall be kept open for subscription for the space of three successive days: and within ten days thereafter, the said commissioners shall meet in the city of Troy, and if more than six hundred thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions unless ten dollars, on each share subscribed, be paid at the time of subscription. Notice, by publication in one of the newspapers published in each of the counties of Rensselaer, Washington, Saratoga, and the state paper, when and where the said books shall be opened, shall be given, for

thirty days previous to the day appointed for that purpose.

§ 5. The following persons, viz: Stephen Warren, George R. Davis, John Paine, Richard P. Hart, Henry Vail, Le Grand Cannon, Elias Pattison, Lewis Benedict, Erastus Corning, John Townsend, Peter J. H. Myers, Herman Gansevoort, Gideon M. Davison, John Knickerbacker and George W. Kirkland, shall be, and they are hereby appointed the first board of directors of the said company; and the board of directors shall have power to appoint one or more engineers, and cause such examinations and surveys for said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§ 6. The first directors appointed by this act shall hold their offices till the first Monday in June in the next succeeding year after such appointment, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in the village of Waterford as the said directors shall appoint, giving fourteen days' previous notice, in 'one of the public newspapers printed in said counties of Saratoga and Washington. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board: every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election; and the directors so chosen shall elect, as soon as may be after the said first meeting, and every annual meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

To hold till
June, 1835.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

Election.

By-laws.

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws for the distribution of the stock (if any) which shall not be subscribed as aforesaid, and for the management and disposition of the property and effects of the said corporation, the sale and transfer of shares, and the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll; to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation; and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this corporation.

Real estate.

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary in accomplishing the objects for which this incorporation is granted; and may by their agents, surveyors and engineers, enter upon and take possession of and use, all such lands and real estate as may be necessary for the construction and maintenance of their single and double railroad or way, and the accommodations requisite and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of said land, may apply by petition to the first judge of the court of common pleas of the county in which said land is situate, who shall direct the sheriff of the county in which the said lands are situated, to give public notice in at least one newspaper printed in the said county, that at some future day, not less than thirty days from the first publication of the said notice, the clerk of the said county and the said judge will proceed to draw at the clerk's office the names of twelve persons to serve as a jury in the assessment of the said damages, in the same manner as the names of persons are now drawn for juries in courts of record. The parties shall be allowed to make any objections to either of the persons so drawn, and if the said judge shall consider such objection either legal or reasonable, or either of the said persons shall reside in

the town through which the said road passes, or is of kin to any person claiming damages or interested in the said road, or of kin to those who are, the name of such person shall not be put upon the list as one of the jurors to assess said damages; and the twelve persons to whom no objections shall be made aforesaid, shall be summoned by the sheriff of the county to appear at such time and place as the said judge shall appoint in a warrant issued by him for that purpose; and the said judge shall proceed to draw by lot from those names, six who shall be free from exceptions, who shall be sworn well and truly to appraise said lands, and the damages the owner or owners thereof shall sustain by reason of their appropriation to the uses of said company. The said judge is hereby empowered to examine any witnesses on oath, who shall be produced by either party, and to issue subpoenas for said witnesses. The verdict of the majority of the said jury assessing such damages, giving to each person his separate portion, shall be made in writing and certified by the said judge, and by him filed with the clerk of the said county in which the said lands are situate. The said corporation shall give each owner of such lands, claiming damages, at least fourteen days' notice of the time and place when the same shall be assessed as aforesaid, and shall pay the said judge the sum of three dollars, and each of said jurors the sum of two dollars for each day employed in the aforesaid assessment, and shall pay the said sheriff for his services such sum as the said judge shall certify to be proper, and such other incidental expenses, including witnesses fees, as the said judge shall determine to be just and equitable. The said judge shall have power to issue subpoenas for the attendance of witnesses upon such assessment, who shall be liable to the same penalties as they are now, for non-attendance at common pleas courts, and may be arrested upon due proof of the service of said subpoena, and brought before the said judge and jury to testify as if it were a proceeding in a court of record. The said warrant issued for the jury shall have the same force, and a disobedience shall incur the same penalties as of a venire in a court of record. In case of the inability of said judge to conduct the said proceedings, any other judge of the same court to whom no reasonable objections are made, is hereby empowered to conduct the same. Upon proof to the said judge, to be made within thirty days after such assessment, of payment to the owner, or of depositing to the credit of the owner, in such incorporated monied institution as the said judge shall direct, of the amount of said award, and the payment of all expenses, the said judge shall make an order or decree particularly describing the

land, and reciting the appraisement of damages, and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the county in which said land is situated, whose duty it shall be to record the same, for the same fees now allowed for recording deeds, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purpose of the said road.

Rights of
minors, &c.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said judge shall appoint some competent disinterested person to appear before the said judge, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Tolls to be
regulated.

§ 11. The company hereby incorporated shall have power from time to time, to fix, regulate and receive the tolls and charges by them to be received for the transportation of persons and their ordinary baggage on the said rail-road or ways; but no property of any description, except the ordinary baggage of passengers, shall be transported or carried on the said road; nor shall the said company charge or receive a greater sum than at the rate of four cents per mile for the transportation of any passenger and his ordinary baggage.

Penalty.

§ 12. If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Crossing
streams or
roads.

§ 13. Whenever it shall be necessary for the construction of their single, or double rail-road or way, to intersect or cross any stream of water or water-courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or way across or upon the same; but the corporation shall restore the stream or water-course, or road, street or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and maintain sufficient fences upon the sides of the route of their rail-road or way.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time, when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in each of the said counties of Saratoga and Washington.

Calls on
stockholders.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

General
powers.

§ 16. The directors of said company shall make an annual report in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them; which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise for the purpose of said rail-road.

Annual re-
port.

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of the said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of ten per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

State may
purchase
road.

§ 18. It shall be lawful for the said corporation to contract with the Saratoga and Schenectady rail-road company, for the use of any part of their road; and such part of said road shall thereafter be held and owned by either or both of the said corporations, as they shall in their contract for that purpose agree; which shall be in lieu of constructing a new road for that distance.

Use of Sara-
toga & Sche-
nectady rail-
road.

§ 19. The president, directors and company of the Waterford and Whitehall turnpike, shall be, and are hereby exonerated from any obligation under their charter, to

Waterford &
Whitehall
turnpike.

continue their road from Sandy-Hill to Whitehall, from and after the time the rail-road hereby authorized shall have been completed, so as to convey passengers and property on the parts corresponding to so much of said turnpike, as is hereby authorized to be discontinued; and in case the said rail-road shall not be completed within the time authorized by this act, the said turnpike company are authorized to complete the said road within two years from the time allowed for the completion of the said rail-road.

Canals.

§ 20. The canal commissioners are hereby invested with a general and supervisory power over so much of any rail-road as passes over any canal belonging to this state, or approaches within ten rods of such canal, so far as such power may be necessary to preserve the free and perfect use of the canals of this state, and necessary for making any repairs, improvements or alterations in the same: and said company shall not construct their rail-road over or at any place within ten rods of any canal belonging to this state, unless said company shall lay before the commissioners aforesaid, a map, plan and profile, as well of the canal as of the route designated for their rail-road, exhibiting distinctly and accurately the relation of each to the other, at all places within the limits of ten rods as aforesaid; and shall thereupon obtain the written permission of said canal commissioners, with such conditions, instructions and limitations as, in the judgment of said canal commissioners, the free and perfect use of any such canal may require.

Toll for crossing bridge.

§ 21. It shall be lawful for the said corporation to take and demand for its use, for crossing the bridge to be built across the Hudson river, the same toll which the president and directors of the Fort-Miller bridge company are by law authorized to demand for crossing the bridge built by that corporation across the same river; and to erect a gate at either end of said bridge for the collection of that toll: provided, nothing in this act shall interfere with any exclusive rights of said bridge company, or any other bridge company maintaining a bridge across said river.

Penalty

§ 22. If any person or persons shall forcibly pass the gate to be erected at either end of said bridge in pursuance of this act, or shall cause his or their horse, carriage, wagon, sleigh, sled, cattle, or other thing or things, to pass the same, without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered, with the costs of suit, by the treasurer of the corporation, to their use, in an act of trespass;

which action shall, in every instance, be considered as transitory in its nature.

§ 23. It shall be lawful for the Saratoga and Schenectady rail-road company, to contract with the said corporation for the use of any part of the road to be constructed by virtue of this act; and such part of said road shall thereafter be held and owned by either or both of the said corporations, as they shall in their contract for that purpose agree. Contract for the use of part of road.

§ 24. In case an agreement should be made between the said corporations, such agreement shall be filed in the office of the clerk of the county of Saratoga. Agreement to be filed.

§ 25. The company hereby incorporated shall, within six months after their capital stock is subscribed, pay to the Saratoga and Fort-Edward rail-road company, if requested by said company, the expenses which they have already incurred, not exceeding two thousand dollars, in making the surveys of their road, who may, if they so elect, thereupon deliver over to the directors of the first mentioned company, all the maps, charts and profiles of such surveys in their possession. Payment to Fort Edward rail-road company.

§ 26. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 250.

AN ACT to alter and amend an act entitled "*An act to incorporate the New-York life insurance and trust company,*" passed March 9, 1830.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The amount of money which the New-York life insurance and trust company shall have in trust, in deposit, or on loan at any time, shall not exceed five millions of dollars, and the amount of its outstanding loans shall not at any time exceed six millions of dollars; but the said company may at any time receive in deposit, and loan out any money which may be deposited with them by the court of chancery, or any of the courts of law or surrogates' courts of this state, notwithstanding the limitation contained in this act. Deposites and loans limited.

§ 2. Every provision in the charter hereby altered and amended, which is inconsistent with the provisions of this act, is hereby repealed. Repeal.

Right to re-
peal.

§ 3. The legislature shall have power to amend, alter, or repeal this act, and the act hereby altered and amended.

CHAP. 251.

AN ACT to incorporate the Binghamton and Harpersville turnpike road company.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Corporation
created.

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate by the name of the Binghamton and Harpersville turnpike road company.

General
powers.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities as turnpike incorporations, as prescribed in the first title of the eighteenth chapter of part first of the Revised Statutes, except so far as the same are inconsistent with the provisions of this act.

Stock.

§ 3. The capital stock of said corporation shall consist of four hundred and eighty shares of twenty-five dollars each.

Subscriptions

§ 4. Joseph S. Bosworth, William Chamberlin, Henry Squires, Nathaniel Cole and James Blakesly, shall be commissioners to open books and receive subscriptions.

Route of
road.

§ 5. The said corporation may construct a turnpike road beginning at the village of Binghamton in the county of Broome, thence to or near the house of Henry Squires in the town of Conklin, thence on the most direct and convenient route to the village of Harpersville in the town of Colesville.

How to be
constructed.

§ 6. The said road may be constructed of such materials as the ground over which it passes may afford; and the said corporation shall not be required to have the road laid out of a greater width than fifty feet, nor to make the arch or bed thereof more than twenty feet in width; and where the steepness of side hills, rocks or other obstacles render it impracticable, in the opinion of the commissioners to complete it of that width, it shall be lawful for said company to make and complete it of such less width, and without a ditch on the lower side, as the commissioners shall direct; but in no place shall the bed of said road be of less width than fifteen feet.

§ 7. When the said road or any ten miles thereof shall have been completed, the said corporation may erect thereon such number of toll-gates, (in the ratio of one full toll-gate for every ten miles thereof,) and at such places as the directors of said company, or a majority of them, may from time to time designate, provided that no two of said gates shall be located within less than five miles of each other, nor within five miles of the village of Binghamton; at each of which full toll-gates, and at the others in proportion, may be exacted and received for passing the same, (except as excepted in article third, title first of the chapter aforesaid,) the following rates of toll, to wit: For every wagon, cart, or other wheeled carriage, drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse, mule or ox, three cents; for every cart, sulky, wagon or other wheeled carriage, drawn by one horse or other animal, six cents; for every sleigh or sled, drawn by two horses or other animals, six cents, and for every additional horse, two cents; for every sleigh or sled, drawn by one horse or other animal, three cents; for every score of horses, mules or cattle, twenty cents; for every score of sheep or swine, six cents, and in like proportion for a greater or less number, and for every horse and rider, three cents.

Rates of toll.

§ 9. The legislature may at any time alter, modify or repeal this act.

Right to repeal.

CHAP. 252.

AN ACT concerning the state prisons.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The governor shall appoint three commissioners to examine into all matters relating to the government, economy and discipline of the state prisons of this state, and into the manner in which the convicts are employed, and the mechanical trades and other labor carried on in the said prisons.

Commissioners to be appointed.

§ 2. It shall be the duty of the inspectors and agents of the said prisons, to appear before the said commissioners, at such time and place as the said commissioners may appoint; and the said commissioners are hereby authorized to examine the said inspectors and agents, and any other person or persons appearing before them, on oath, to be

To examine inspectors and agents.

administered by either of the said commissioners, touching or concerning any matters relating to the economy, discipline or government of the said prisons, or the labor of the convicts confined therein.

To report.

§ 3. The said commissioners shall report to the legislature at its next session, whether any, and if any, what alterations or improvements may be made in the government or discipline of the said prisons, or the mode of employing convicts therein; and also as to the expediency of teaching mechanical trades to the convicts.

Ib.

§ 4. Also whether any, and if any, what mechanical trade carried on in either of the said prisons ought to be discontinued by reason of its injurious competition with the labor of mechanics or artizans out of the prisons, or for other cause.

Their pay.

§ 5. There shall be allowed to each of the said commissioners the sum of three dollars per day for each and every day they shall necessarily be employed in the execution of their said commission; and also the sum of three dollars for every twenty miles travel: which compensation shall be in lieu of all expenses, and shall be audited by the comptroller and paid on his warrant by the treasurer, out of any moneys in the treasury not otherwise appropriated.

§ 6. Wilful false swearing by any person examined on oath administered by either of the said commissioners in the execution of the authority given to them by this act, shall be deemed perjury.

CHAP. 253.

AN ACT to amend an act entitled "*An act to incorporate the Troy and Schenectady McAdam turnpike company,*" passed April 30th, 1833.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Rates of toll.

§ 1. Instead of the tolls authorized to be taken by virtue of the fifth section of the act hereby amended, the said company, as soon as one-half of said road shall be completed, may erect one gate, and when the whole road is finished, two gates, and take and receive the following rates of toll at each of said gates, viz: For every coach, coachee, phaeton, wagon, cart, or any other carriage drawn by two horses or other animals, eighteen and three-fourth cents

for every additional horse or other animal, three cents; for every chaise, chair, sulky, wagon, cart, or any other carriage drawn by one horse, nine cents; for every sleigh or sled drawn by two horses or other beasts, eight cents, for every additional horse, two cents; for every sleigh or sled drawn by one horse or other beast, four cents; for every horse and rider, or horse led, six cents; for every score of horses, cattle or mules, twelve and a half cents; for every score of sheep or swine, six cents; and in like proportion for a greater or less number.

§ 2. It shall be lawful for the said corporation to contract with the president, directors and company of the Troy and Schenectady turnpike, for the purchase of their road; and if the said president, directors and company of the Troy and Schenectady turnpike, shall sell to this corporation their said road, that from and after such sale, the said president, directors and company of the Troy and Schenectady turnpike, shall be exonerated from all liability to continue their said road in good repair. Turnpike may be purchased.

§ 3. The said corporation, after such sale, shall and And used. may use, for constructing the road mentioned in the act hereby amended, such part or parts of the turnpike road mentioned in the preceding section of this act, as they may deem proper, and may abandon any part or parts of the said turnpike road, giving notice thereof to the commissioners of highways, and then such part or parts of the said turnpike road, of the abandonment of which this corporation shall have given notice as aforesaid, shall be kept in repair in the same manner as other highways; but until such part or parts of the said road is or are abandoned as aforesaid, the said corporation shall keep the same in good repair.

§ 4. The legislature may at any time alter, modify or Right to repeal. repeal this act, or any of its provisions.

CHAP. 254.

AN ACT to incorporate the New-Woodstock academy.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Isaac Morse, John Peck, Joseph Coley, John Fisk, Luther Corbin, Tench C. Stiles, R. R. Jenkins, Samuel Walker, David Smith, Dura Warren, William Savage, William Coley, Jonathan Smith, Mansen G. Thomas, M. Corporation created.

L. Underwood and others, are hereby declared a body corporate and politic, for the promotion of literature, science and the arts, and for the improvement in education, by the name of the New-Woodstock Academy, whose operations shall be carried on in the village of New-Woodstock, (in the town of Cazenovia,) in the county of Madison.

Stock. § 2. The capital stock of said corporation shall be two thousand five hundred dollars, and shall be divided into shares of twenty dollars each, and shall be deemed personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation.

Trustees. § 3. The affairs of said corporation shall be managed by nine trustees, to be chosen annually by the stockholders, on the first Monday of September in each year, by a plurality of votes of the stockholders present; each stockholder shall be entitled to one vote for each share of stock owned by him.

First trustees. § 4. Isaac Morse, John Peck, Joseph Coley, John Fisk, Luther Corbin, Tench C. Stiles, R. R. Jenkins, Samuel Walker and David Smith shall be the first trustees of said corporation, and shall hold their offices until the first Monday of September, eighteen hundred and thirty-four. Any five of whom shall form a quorum to do business.

General provisions. § 5. The trustees of said corporation shall possess the powers and be subject to the duties and general provisions contained in articles fourth and fifth, of the first title, of the fifteenth chapter, of the first part of the Revised Statutes.

Literature fund. § 6. The said academy shall not be entitled to any share of the income of the literature fund until the regents of the university shall be satisfied that the said academy has complied with the requisites which would authorize and induce the regents to incorporate the same.

CHAP. 255.

AN ACT for the relief of Lewis Beebe and John Chapman.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That the treasurer of this state pay, upon the warrant of the comptroller, out of the canal fund, to Lewis Beebe and John Chapman, the sum of six hundred and

forty-two dollars and thirty-eight cents, in full satisfaction of their claim, for extra excavation upon number one hundred and sixty-six, of the Erie canal.

CHAP. 256.

AN ACT *to provide for supplying the city of New-York with pure and wholesome water.*

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The governor shall nominate, and with the consent Commissioners. of the senate, shall appoint five persons, to be known as the water commissioners for the city of New-York, who shall be citizens and inhabitants of the said city.

§ 2. It shall be the duty of the said commissioners to To examine. examine and consider all matters relative to supplying the city of New-York with a sufficient quantity of pure and wholesome water, for the use of its inhabitants.

§ 3. The said commissioners shall have power to em- To employ engineers. ploy engineers, surveyors and such other persons as in their opinion may be necessary to enable them to perform their duties under this act.

§ 4. The said commissioners shall adopt such plan as To adopt plan. in their opinion may be most advantageous for procuring such supply of water, and shall ascertain as nearly as may be, what amount of money may be necessary to carry the same into effect; and for such purpose they shall have power to make conditional contracts, subject to the ratification of the common council of the city of New-York, with the owner or owners of all lands, tenements, hereditaments, rights or privileges whatsoever, which may be required according to such plan, for the purchase thereof at stated prices; which contracts shall be so drawn as to be binding upon the said owners respectively, in case the same shall be ratified by the said common council within two years from the passage of this act.

§ 5. The said commissioners shall make a report of To report. their proceedings under the foregoing sections of this act, containing a full statement and description of the plan adopted by them, an estimate of the expense thereof, together with an estimate of the probable amount of revenue to accrue to the city upon the completion of the work, with the reasons and calculations upon which their opinions and the said estimates may be founded, and all such other in-

L. Underwood and others, are hereby declared a body corporate and politic, for the promotion of literature, science and the arts, and for the improvement in education, by the name of the New-Woodstock Academy, whose operations shall be carried on in the village of New-Woodstock, (in the town of Cazenovia,) in the county of Madison.

Stock.

§ 2. The capital stock of said corporation shall be two thousand five hundred dollars, and shall be divided into shares of twenty dollars each, and shall be deemed personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation.

Trustees.

§ 3. The affairs of said corporation shall be managed by nine trustees, to be chosen annually by the stockholders, on the first Monday of September in each year, by a plurality of votes of the stockholders present; each stockholder shall be entitled to one vote for each share of stock owned by him.

First trustee.

§ 4. Isaac Morse, John Peck, Joseph Coley, John Fisk, Luther Corbin, Tench C. Stiles, R. R. Jenkins, Samuel Walker and David Smith shall be the first trustees of said corporation, and shall hold their offices until the first Monday of September, eighteen hundred and thirty-four. Any five of whom shall form a quorum to do business.

General provisions.

§ 5. The trustees of said corporation shall possess the powers and be subject to the duties and general provisions contained in articles fourth and fifth, of the first title, of the fifteenth chapter, of the first part of the Revised Statutes.

Literature fund.

§ 6. The said academy shall not be entitled to any share of the income of the literature fund until the regents of the university shall be satisfied that the said academy has complied with the requisites which would authorize and induce the regents to incorporate the same.

CHAP. 255.

AN ACT for the relief of Lewis Beebe and John Chapman.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. That the treasurer of this state pay, upon the warrant of the comptroller, out of the canal fund, to Lewis Beebe and John Chapman, the sum of six hundred and

forty-two dollars and thirty-eight cents, in full satisfaction of their claim, for extra excavation upon number one hundred and sixty-six, of the Erie canal.

CHAP. 256.

AN ACT to provide for supplying the city of New-York with pure and wholesome water.

Passed May 2, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The governor shall nominate, and with the consent of the senate, shall appoint five persons, to be known as the water commissioners for the city of New-York, who shall be citizens and inhabitants of the said city. Commissioners.

§ 2. It shall be the duty of the said commissioners to examine and consider all matters relative to supplying the city of New-York with a sufficient quantity of pure and wholesome water, for the use of its inhabitants. To examine.

§ 3. The said commissioners shall have power to employ engineers, surveyors and such other persons as in their opinion may be necessary to enable them to perform their duties under this act. To employ engineers.

§ 4. The said commissioners shall adopt such plan as in their opinion may be most advantageous for procuring such supply of water, and shall ascertain as nearly as may be, what amount of money may be necessary to carry the same into effect; and for such purpose they shall have power to make conditional contracts, subject to the ratification of the common council of the city of New-York, with the owner or owners of all lands, tenements, hereditaments, rights or privileges whatsoever, which may be required according to such plan, for the purchase thereof at stated prices; which contracts shall be so drawn as to be binding upon the said owners respectively, in case the same shall be ratified by the said common council within two years from the passage of this act. To adopt plan.

§ 5. The said commissioners shall make a report of their proceedings under the foregoing sections of this act, containing a full statement and description of the plan adopted by them, an estimate of the expense thereof, together with an estimate of the probable amount of revenue to accrue to the city upon the completion of the work, with the reasons and calculations upon which their opinions and the said estimates may be founded, and all such other in- To report.

formation, connected with the object of their appointment, as they may deem important.

To common council.

§ 6. Such report shall be made and presented to the common council by the commissioners, together with all such conditional contracts as may have been made by them by virtue of this act, on or before the first day of January, which will be in the year one thousand eight hundred and thirty-six.

Plan, if approved, to be submitted to electors.

§ 7. In case the plan so adopted by the commissioners shall be approved of by the common council, they shall appoint a poll to be opened on the days upon which the next annual election for charter officers is by law appointed to be held, and the inspectors of said election shall provide a ballot-box with suitable lock and key, and the electors shall express their assent or refusal to allow the common council to proceed in raising the money necessary to construct the works as aforesaid, by depositing their ballots in the box provided for that purpose in their respective wards. And those electors who are in favor of granting the necessary power to the common council, shall each deposit a ballot containing the word "yes," written or printed thereon, and those who are opposed, shall each deposit a ballot containing the word "no," written or printed thereon. And a canvass and return of the votes shall be made by the inspectors of the election in the same manner as is now prescribed by law in regard to the canvass and return of votes for charter officers.

If adopted the work to be proceeded in.

§ 8. If a majority of the said electors are found to be in favor of the measure, it shall then be lawful for the common council to instruct the commissioners to proceed in the work; and it shall also be lawful for the common council to raise by loan from time to time, and in such amounts as they may think fit, a sum not exceeding two million five hundred thousand dollars, by the creation of a public fund or stock, to be called "The Water Stock of the city of New-York," which shall bear an interest not exceeding five per cent per annum, and shall be redeemable at a period of time not less than ten nor more than fifty years from and after the passage of this act.

Stock.

§ 9. It shall be lawful for the said mayor, aldermen and commonalty, to determine what shall be the nominal amount or value of each share of the said stock, and of what number of shares the same shall consist: and they are hereby authorized to sell and dispose of such shares at or above the par value thereof, either at public auction or private sale, or to raise the said sum of money by subscription for such stock in the mode in which the stocks of banking and insurance companies are usually subscribed for.

§ 10. The provisions of the act, entitled "An act to ^{Act of June 8, 1812.} regulate the finances of the city of New-York," passed June 8, 1812, which are not repugnant to or incompatible with any provision in this act contained, shall apply to the said stock.

§ 11. The moneys to be raised by virtue of this act shall be applied and expended to and for the purpose of supplying the city of New-York with pure and wholesome water, according to the plan so adopted and ratified, with such immaterial alterations as may be necessary, and by and under the direction of the said commissioners. ^{Money how to be applied.}

§ 12. The said commissioners are hereby authorized to enter upon any land or water, for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner. ^{Land and water to be used.}

§ 13. In cases of disagreement between the commissioners and the owner of any property which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, a married woman, or insane, or absent from this state, the vice-chancellor of the first circuit may, upon the application of either party, nominate and appoint three indifferent persons to examine such property, and to estimate the value thereof, or damage sustained thereby, and to report thereon to the said court without delay. ^{Estimate of damages.}

§ 14. Whenever such report shall have been confirmed by the said vice-chancellor, the said commissioners shall, within two months thereafter, pay to the said owner or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon the said mayor, aldermen and commonalty shall become seised in fee of such property so required, and shall be discharged from all claim by reason of any such damage. ^{Amount to be paid.}

§ 15. The said commissioners, in behalf of the said mayor, aldermen and commonalty, and all persons acting under their authority, shall have the right to use the ground or soil under any street, highway or road within this state, for the purpose of introducing water into the city of New-York, on condition that they shall cause the surface of such street, highway or road to be restored to its original state, and all damages done thereto to be repaired. ^{Ground under streets.}

§ 16. If any person shall wilfully do or cause to be done, any act whereby any work, materials or property ^{Penalty.}

whatsoever, erected or used, or hereafter to be erected or used, within the city of New-York or elsewhere, by the said mayor, aldermen and commonalty, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, such person, on conviction thereof, shall be deemed guilty of a misdemeanor.

Contracts. § 17. All contracts for materials, or for the construction of the work, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number and endorsed with the date of the contract and with the name of the contractor, and a summary of the work to be done or materials furnished.

Where deposited. § 18. One of such copies shall be retained by the commissioners, another shall be deposited with the comptroller of the city.

Notice. § 19. Public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts.

Sealed proposals. § 20. All sealed proposals for contracts, shall be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain, or which contains any alternative condition or limitation as to price, shall be received or acted on.

How to be made. § 21. No more than one proposition shall be received from any one person for the same contract, and all the propositions of the person offering more than one, shall be rejected.

Security. § 22. Every person who shall enter into any contract for the supply of materials or the performance of labor, shall give satisfactory security to the commissioners for the faithful performance of his contract, according to its terms.

Materials. § 23. All materials procured or partially procured under a contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the moneys due for such materials to the judgment creditor of the contractor under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Drafts on city comptroller. § 24. The common council shall authorize the commissioners to draw upon the comptroller of the city for any sum in favor of and to be paid to the owner of any lands, waters, streams or property acquired by virtue of this act, and in favor of, and to be paid to any contractor, for any

sum due upon his contract, and also for their incidental expenses. Such drafts shall specify the objects for which they are drawn in the manner provided in the seventeenth section of this act, as nearly as may be; and the common council shall make it the duty of the comptroller to pay such drafts, in every case where a deed or other voucher is delivered to him, or a copy of a contract has been filed in his office, and a duplicate receipt of the contractor for such draft shall be presented therewith.

§ 25. They shall also require the comptroller to report ^{Comptroller to report.} to them a list of all the payments made by him upon the orders of the commissioners, once in every six months, and previous to such reports shall have the accounts of the commissioners and of the comptroller examined by the finance committee of the board of aldermen.

CHAP. 257.

AN ACT to amend an act entitled "*An act for the relief of the town of Rye.*"

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be lawful for the trustees mentioned in the act entitled "*An act for the relief of the town of Rye,*" passed February the 9th, 1821, to loan any moneys, the proceeds of the lands referred to in said act, which they now have or hereafter may have upon bond and mortgage.

CHAP. 258.

AN ACT to annex part of the town of Ira to the town of Cato, in the county of Cayuga.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. That from and after the passage of this act, lot number seventy-three in the town of Ira, be annexed to the town of Cato, in the county of Cayuga.

CHAP. 259.

AN ACT to authorize a part of the poor fund of the town of Ulysses to be applied toward the support of roads and bridges in said town.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The overseers of the poor of the town of Ulysses, in the county of Tompkins, are authorized to pay to the commissioners of highways of said town, out of the moneys in their hands belonging to the poor fund, the sum of six hundred dollars, for the support of roads and bridges in said town.

§ 2. The commissioners of highways are required, on the receipt of the said sum of six hundred dollars from the overseers of poor in said town, to apply the same towards the payment of debts due from the said town for the building of bridges.

CHAP. 260.

AN ACT to incorporate the Troy annual conference ministers' mutual aid society.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Name.

§ 1. There shall be established and located in the city of Troy, a charitable society, by the name of "The Troy Annual Conference Ministers' Mutual Aid Society."

Corporation created.

§ 2. Noah Levings, Tobias Spicer, Henry Stead, Arnold Schofield, Merrit Bates, Samuel D. Ferguson, James B. Houghtaling, Samuel Howe, Peter C. Oakley, Coles Carpenter, Cyrus Prindle and Jacob Hall, and such other persons as are or may become members of said society, are hereby constituted a body corporate, by the name aforesaid.

Objects.

§ 3. The objects of the said society are charitable, and to afford relief to the members thereof and their families, in cases of sickness or infirmity, and to the widows, children and orphans of such as may die.

Rules.

§ 4. The corporation shall have power to prescribe rules and regulations for the admission of members, and

their government, the election of its officers and their duties, and for the expelling of any of its members for not observing its rules, regulations or laws.

§ 5. The said corporation may purchase and hold real Real estate. estate, and take and hold such real and personal estate as may be given to such corporation; but the annual income of the real and personal estate which the said corporation may at any time hold, shall not exceed one thousand five hundred dollars. It shall not be lawful for the said society to receive or hold any property, real or personal, by devise or bequest, and the property of the said society is hereby declared to be liable to taxation.

§ 6. The said corporation may elect its officers, and Election of officers. transact other business necessary to carry the objects of the society into effect, at the times and places of holding the Troy annual conference of the Methodist Episcopal church, when the said conference shall meet at any place within this state, whether at the city of Troy or elsewhere.

§ 7. The corporation shall possess the general powers, General powers. and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 8. The legislature may at any time modify, alter or Right to repeal. repeal this act, or any of its provisions.

CHAP. 261.

AN ACT to amend an act entitled "*An act to incorporate the Ithaca and Owego rail-road company,*" passed January 28th, 1828.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The Ithaca and Owego rail-road company are hereby authorized to increase their capital stock to four Stock may be increased. hundred and fifty thousand dollars, to be divided into shares of fifty dollars each.

§ 2. The president and directors of the company shall be commissioners to open books, and to receive subscriptions: and the same proceedings shall be had in relation to the subscribing and distributing of the additional stock Subscriptions to stock. as was directed to be had before commissioners on the first subscription for the original capital.

Act to take
effect.

§ 3. This act shall take effect immediately after the passage thereof.

CHAP. 262.

AN ACT *concerning the cancelling and discharging of judgments.*

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Judgment
how cancel-
led.

§ 1. In case the party in whose favor a judgment has been or shall be rendered in any court of record, reside out of this state, the docket of such judgment may be cancelled and discharged by the clerk thereof, upon filing with him an acknowledgment of satisfaction, signed by such party or by his executors or administrators, and acknowledged before either of the officers before whom conveyances of real estate may now be acknowledged or proved, by persons residing or being out of this state.

Letter of
attorney.

§ 2. In all cases of acknowledgment of satisfaction of judgments, by virtue of a letter of attorney, or other instrument containing a power to acknowledge satisfaction, such letter or instrument shall be acknowledged by the party executing the same, or proved by a subscribing witness thereto in the manner prescribed by law, before the clerk of the court in which the judgment has been rendered, or before either of the officers before whom conveyance of real estate may now be acknowledged or proved, and such letters of attorney or other instruments shall be filed with such clerk with the satisfaction piece.

Acknowledgment before
whom made.

§ 3. Acknowledgment of satisfaction of judgments may be made before the clerk of the court in which the judgment was rendered.

CHAP. 263.

AN ACT to revive the act entitled "*An act to incorporate the Bath and Crooked Lake rail-road company,*" and to amend the same.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled "*An act to incorporate the Bath and Crooked Lake Rail-Road Company,*" passed March 24th, 1831, and all the parts and provisions of said act, are hereby revived, and shall hereafter have the same force and effect as if the said act was first passed at the time of the passage hereof, subject to such alterations and provisions as are in this act prescribed and contained; and if the said corporation shall not within two years from the passage of this act, commence, and within three years thereafter finish, and put in operation the said rail-road, the said corporation shall from thenceforth cease, and this act and the act hereby amended shall be null and void. Act revived.

§ 2. John R. Gansevoort, William W. M'Kay, John Magee, Ira Gould, Ziba A. Leland, Henry A. Townsend, William H. Bull, Moses H. Lyon and Henry Brother, are hereby appointed commissioners, instead of those appointed in the original act before referred to, and that so much of the fifth section of the said act as appoints and names commissioners, is hereby repealed. Commissioners.

§ 3. The company may continue for forty years from the passage of this act. Duration of charter.

§ 4. In case it shall at any time happen that an election of directors shall not be made on any day when it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held within sixty days from the time when such annual election should have been held. Election.

§ 5. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 264.

AN ACT to renew the charter of the Auburn and Owasco canal company.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act of incorporation of the Auburn and Owasco canal company, passed March 30th, 1832, shall be and the same is hereby renewed and confirmed, provided the directors named in the said act of incorporation meet and organize, and open books for the subscription of the stock of said company, according to the provisions of said act, within one year.

CHAP. 265.

AN ACT in relation to the village of Salem, in the county of Washington.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Boundaries.

§ 1. The boundaries of the village of Salem are hereby altered in manner following: Beginning at a stone in the original boundaries, marked corporation number four, and running thence an easterly course till it strikes a monument, marked corporation number five, four rods south of the southeast corner of the house now occupied by George McWhorter; thence a little west of north till it strikes the centre of White creek, four rods above the bridge; thence northerly till it strikes a point six rods east of the northeast corner of John Crary's barn; thence a straight line to a stone, marked corporation number one, and mentioned in the act to which this is an amendment.

Road districts

§ 2. The trustees of the village of Salem are hereby authorized to divide the said village into two or more road districts, and the same to alter and abolish as they may judge best; for each of which, the inhabitants of the said village qualified to vote, shall elect, at their annual meeting for choosing officers, an overseer of highways, who shall have the like power and be subject to the like penalties, and be liable to perform the same duties, as are now by law prescribed for overseers of highways of the several towns in this state, except that they shall respec-

tively render their account to the said trustees, at the time and in the manner required by the act of April 20th, 1825.

§ 3. The division of the said village into two or more road districts, shall not prevent the trustees from directing the labor assessed in one district from being laid out in another within the said village; and the overseers of one district may, under such direction, lay out the work assessed therein in repairing streets, side-walks and bridges in another district, and the inhabitants of the said village shall continue liable to work or commute out of their district in the same manner as before the passing this act. Highway labor.

§ 4. Such portion of the labor assessed on the inhabitants of the said village, as the trustees shall from time to time direct, shall be expended in making and repairing streets and side-walks within the said village, and in repairing the roads out of the said village, and in building and repairing embankments, either within or without the bounds of said village, to prevent the overflowing of White creek. How to be expended.

§ 5. Any person duly warned to work on the said streets, side-walks or embankments, or on the roads out of the said village, who shall neglect or refuse so to do, or to commute for the same, shall be liable to the same penalty, and to be recovered in the same manner, as is prescribed by title first, chapter sixteen, of the first part of the Revised Statutes. Penalty.

§ 6. Whenever any person in the said village is assessed to work on the highway as aforesaid, for any period exceeding three days, the trustees of the said village are hereby authorized to permit him to commute in money, at the rate of fifty cents per day, for such part of the excess over three days as they shall think proper, not exceeding ten dollars to any one person in any one year. The money thus ordered to be paid in lieu of work, may be recovered by said trustees in an action for money had and received, before any justice of the peace of the said county, with costs, whenever the said person so ordered to commute shall neglect for three days, to pay the said commutation money after a demand by the said trustees. Commutation.

CHAP. 266.

AN ACT to incorporate the village of Binghamton.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Corporation
created.

§ 1. All that part of the town of Chenango, in the county of Broome, which is contained in the following bounds, to wit: Beginning on the north banks of the Susquehanna river, at the southwest corner of Lewis L. Johnson's farm, and running thence north two degrees west, eighty-nine chains twenty-five links to the southwest corner of lot number twenty-nine, Bingham's patent; thence south seventy-three degrees east, forty-nine chains and fifty links, to the Chenango river; thence to the southwest corner of Christopher Eldredge's farm; thence north eighty-eight degrees thirty minutes east, to the west line of Joshua Whitney's farm; thence south one degree thirty minutes east, to the Susquehanna river; thence to and down the middle of the same to a point directly south of the place of beginning, and thence to the place of beginning, shall hereafter be known and distinguished as "The Village of Binghamton," and the inhabitants residing within the bounds aforesaid shall hereafter be a body politic, by the name of the village of Binghamton.

Wards.

§ 2. Said village shall be divided into five wards, numbered one, two, three, four, five; and all that part of said village lying west of the Chenango river shall be the first ward; all that part lying east of the Chenango river, south of the centre of Court-street, and west of the centre of Centre-street, shall be the second ward; all that part of said village lying east of the Chenango river and north of the centre of Court-street, and west of the centre of Chenango-street, shall be the third ward; all that part lying east of the Chenango river, and east of the centre of Chenango-street, and north of the centre of Court-street, shall be the fourth ward; and all the residue of said village lying south of the centre of Court-street and west of the centre of Centre-street, shall be the fifth ward.

Meeting to
elect officers.

§ 3. The inhabitants residing in said districts respectively, and qualified to vote under the provisions of this act, shall meet on the first Tuesday of June next, at nine o'clock in the forenoon, in the first ward, at Samuel Peterson's inn, in the second, at A. Davis' inn, in the third, at the Methodist chapel, in the fourth, at the Baptist church, and in the fifth, at the new school-house, and then

and there elect by ballot, in each ward, one trustee and one assessor, who shall be electors and inhabitants of the districts for which they are respectively elected. Samuel Smith shall attend and preside as inspector of said election in the first ward, George Park, of the second ward, Levi Demmick, of the third ward, William Seymour, of the fourth ward, and Edward Kellogg, of the fifth ward, and shall declare the persons receiving the greatest number of votes in the respective wards duly elected, and shall, as soon as may be thereafter, notify them of their election; and in case of the non-attendance of the persons named as inspectors aforesaid, the majority of voters present in any of said wards shall appoint some proper persons to preside at such election, who shall have the same power and perform the same duties as any of the inspectors above named; and on the first Tuesday of September in each year thereafter, there shall in like manner be a new election of the same officers, and the trustee for the time being, elected from any ward, shall preside in such ward at such election, and conduct the same as the inspectors above named are above directed. The qualified voters in either of said wards at any annual meeting, after having elected the said officers, may, by vote or resolution, designate the place and time of day for holding the next annual election. But in case no resolution or vote is taken as aforesaid, then the said trustees, or a major part of them, shall cause a notice to be posted up in three or more public places in each ward, and to be published in a newspaper printed in said village at least three days previous to said election, of the place and time of day at which the same is to be held. The persons above named as inspectors of the first elections to be held under this act, shall give the like notice of such elections as above required.

§ 4. The said trustees shall have power to elect a freeholder residing in said village, and not one of their own number, to be president of the board of trustees, to appoint one treasurer, one clerk, an attorney, one police constable and five fire wardens, who shall be inhabitants of said village, and entitled to vote for members of assembly therein. President.

§ 5. No person shall be entitled to vote in any ward at any election held under this act, unless he be at the time an inhabitant of said ward. Voters.

§ 6. The trustees shall have power to call special meetings, which shall be called and conducted as annual meetings are, whenever they or a majority deem fit, either to fill vacancies in office happening by death, removal, resignation or otherwise, and for other purposes; and the Special meeting of inhabitants.

officers elected at an annual or special meeting shall hold their offices until others are duly elected and qualified to succeed them.

Penalty.

§ 7. If any person who shall have been duly elected to any office in said village, shall, for five days after being notified of such election, refuse to take upon himself the duties of the office, or neglect to give notice of his acceptance thereof to the clerk of the board of trustees, he shall for such neglect or refusal, forfeit for the use of the corporation, the sum of five dollars, with costs of suit, recoverable in the name of the trustees of said village, in an action of debt, in which the said trustees may declare generally upon this section, and give the special matter in evidence; but no person shall be finable for refusing to serve for two successive years after his election.

Special meeting of trustees.

§ 8. It shall be the duty of the president of said village, when present, to preside at the meetings of the trustees, to call special meetings of the trustees whenever he shall think proper, to receive complaints of any breach of the by-laws, to see that the by-laws, rules, regulations and ordinances are faithfully executed and preserved, and to prosecute in the name of the said trustees for all offences against such by-laws and ordinances.

Clerk.

§ 9. It shall be the duty of the clerk of said village to keep the books and papers belonging to said corporation, to record in a book to be provided for that purpose the rules, votes, orders, regulations and proceedings of the inhabitants at their annual and special meetings, and also all the by-laws, votes, ordinances and proceedings of the board of trustees, to notify officers of their election as soon as may be after their election, and to perform such other duties as the trustees shall from time to time direct and require of him. And the said trustees may allow to him such sum for his services as they shall deem proper; but neither the said trustees or treasurer shall receive any thing for their services under this act.

By-laws.

§ 10. The said trustees and their successors in office shall have power to make and publish rules and regulations relative to removing and preventing encroachments upon the streets and sidewalks of said village; to restrain cattle, sheep, horses, geese and swine from running at large in said streets; to regulate slaughter-houses and nuisances generally; and to remove, destroy or prevent the same; to suppress and restrain disorderly houses, houses of ill fame, gaming houses, and instruments and devices for the purpose of gaming; to regulate and prevent the firing in the streets of guns, pistols, crackers, rockets and squibs; to prevent the immoderate riding and

driving of horses and carriages in the same; to appoint one or more persons at seasonable times to enter and examine all houses, stores, yards and out-houses, to ascertain if they are in a dangerous state in regard to fires, and direct and compel the owner or occupant to put the same in a safe condition; to examine and regulate the weights and measures of the said village; to erect and regulate hay-scales in the same; to establish and organize one or more fire and hook and ladder companies in said village, the members of which company or companies not to exceed sixteen in number to each engine, and who, when attached to an engine, shall be exempt from military duty, except in cases of insurrection or invasion, and from jury duty, except from justices juries in said village, and to remove said firemen and appoint others in their steads; to prescribe the powers and duties of fire companies in preventing and extinguishing fires; to compel each and every male inhabitant in said village to keep two water buckets of a size and kind to be designated by the trustees in their general by-laws; to construct cisterns and reservoirs for the use of said village. The trustees in said village shall also have power to cause the sidewalks on the streets and highways within the compact parts of said village to be levelled, raised, gravelled, stoned, paved, flagged and repaired, and ornamented with trees, and to compel the owners or occupants of any lands or lots adjoining such sidewalks, streets, or highways to make such improvement upon the sidewalks, streets and highways as aforesaid, in front of said land or lot, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality of such materials; and in case the owner or occupant of any such land or lots shall neglect or refuse to complete the said required improvement within such reasonable time as shall be required by said trustees, the said trustees may cause such improvements to be made or completed, and the expenses thereof may be by them assessed on such owner or occupant so neglecting or refusing, and be collected by warrant, to be issued by the president and trustees, in the same manner as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the same may be recovered by the said trustees, in the corporate name of the village, against the owner of said land or lot, in an action of debt; to enforce and carry into effect all the rules, regulations and ordinances adopted by the corporation at their annual or special meetings, by inflicting such penalty as they shall deem fit, not exceeding ten dollars for any one offence, recoverable with costs in an

action of debt, in the name of the said trustees of said village, in which action the first process shall be by warrant or summons, at the election of the party making application therefor, and in which action it shall be sufficient to declare in debt for such penalty, and give the special matter in evidence under it; and the defendant may plead the general issue and give the special matter under it, and no person shall be deemed incompetent either as a justice, juror or witness, by reason of his being an inhabitant of said village, upon any trial arising under this act.

Taxes.

§ 11. The trustees of said village shall have power to raise, levy and collect, from the inhabitants of said village, any sum not exceeding two hundred dollars in any one year, for the purchasing of any personal estate, for the use of said village, and to defray the ordinary expenses of the said corporation; and also for the purchase of so much land within said village, as may be necessary for the erection of not more than two engine houses, a public pound, and a public hay-scales, and public market; which sum, when so determined, the board of trustees are hereby authorized and empowered to lay out, for the purpose for which it was raised. And upon the said trustees determining upon the sum to be raised, the said board of trustees shall make out a tax roll, under the seal of the said corporation, apportioning the sum and the per centage of the collector, which they are authorized to add to the sum so to be raised and collected, among the several persons liable to taxation in said village, according to the value of their real and personal estate within said village. The valuation of taxable property shall be ascertained and assessed by said assessors, as far as possible, from the last assessment roll of the town of Chenango; and in cases where the valuation of taxable property can not be ascertained from the said assessment roll, the assessors shall assess the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed, in the valuation of taxable property. And the said trustees shall by warrant authorize the collector, under their hands and seals, to collect the said tax and pay the amount to the treasurer, retaining in his hands five per cent for collecting: and the said collector, after giving security to the said trustees, to be approved by the president of said board, and filed in the office of said clerk, shall proceed to the collection with like power and authority as collectors of towns, and shall pay the said tax to the treasurer at the time direct-

ed in his warrant; and in case any sum assessed upon any real estate can not be collected in the manner aforesaid, it shall remain a debt of record against the owner or occupant, and may be sued for and recovered in the name of the said trustees, with costs, and when recovered shall be paid to the treasurer, together with the other moneys belonging to the corporation, subject to the order of the trustees. But nothing in this section shall be construed to prevent the trustees from raising, levying and collecting a greater sum for the purpose of purchasing a fire engine and the necessary and usual apparatus for working the same.

§ 12. The trustees shall have power to exact from the treasurer such security as they shall deem proper; and no rule or ordinance shall be of any effect until it has been recorded in the clerk's office, and a copy thereof either posted up in three or more public places within said village, or published in a public newspaper in said village. Treasurer to give security.

§ 13. The trustees may restrain within said corporation, under such regulations as they may deem fit, the exhibition of any show, caravan, circus, theatrical performance, or natural or artificial curiosities, on the receipt of not less than three nor more than twenty-five dollars for every forty-eight hours. Shows.

§ 14. No money shall be paid by the treasurer unless by vote of the trustees and a check of the clerk, countersigned by the president of the board. Payment of money.

§ 15. The trustees shall, each and every year, at the place where their annual meeting is held, exhibit a statement of all the moneys received by them, and the several sums paid out, and for what purposes. Accounts.

§ 16. The trustees shall have power, on the application of two-thirds of the owners of lands wishing a street laid out through such lands, to cause the same to be laid out not less than four rods in width, if they shall all concur in the propriety and expediency of granting the application. The trustees before determining to lay out such street, shall give the like notice, have the like meeting, and in cases when they determine to lay out such street, make and subscribe the like certificate as are required of the commissioners of highways, in and by section sixty-two and sixty-three, of article four of title one of chapter sixteen of part first of the Revised Statutes. To ascertain the damage sustained by reason of laying out such street, a jury of twelve freeholders, not inhabitants of the district in which said street is to be laid out, shall be summoned by the police constable, on a precept to be issued by the trustees, to appear at the time in said precept Lands for streets and roads to be appraised.

named, and which shall not exceed six days from the issuing thereof, on the premises through which said street is to be laid out, and under the charge of the president of the corporation, after having been sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which devolve upon them as such jurors, they shall proceed to estimate and assess the expense of said improvement, and the amount of damages and benefit to be sustained and derived therefrom, by the owners of such lands and buildings as may be affected thereby; and for this purpose they shall have power to enter upon and examine any premises which in their opinion will be affected by the said improvement, to hear the proofs and allegations of the parties interested, at such time and place as the president shall designate, and to continue such hearing by adjournment, from time to time, as the said jury shall deem proper. They shall make the said estimate and assessment in the form of a verdict or inquisition, which shall contain an estimate of the expense of the proposed improvement, a brief description of the premises necessary to be taken for the purposes thereof, and also of such premises as will be benefitted by the said improvement, with the names of the persons interested in the said premises, a statement of their respective interests, and an estimate of the damages, and an assessment of the benefit which will be sustained and derived from such improvement which each ought to bear; and in making such report, and the necessary investigations connected with the same, the said jury may be assisted by the attorney and council of the corporation.

Improvements to be made.

§ 17. After the reports of the commissioners shall be confirmed, the said reports shall be delivered to the president and trustees of the said village, who shall be thereupon authorized to cause such improvements to be made, at any time within the space of sixty days next after the confirmation of the said report, any person from whom any assessment contained therein may be due, may pay the amount thereof without any additional expense for collection, to the treasurer of the said village. All such assessments which shall be unpaid at the expiration of that period, shall be collected by the village collector, upon the warrant of the president and trustees, under the corporate seal attested by the clerk, which shall authorize the said collector, in case of refusal or neglect on the part of the person or persons liable therefor, to pay the same, to levy the same by distress, or sale of his, her, or their goods and chattels, to be found in any part of said vil-

lage. The said collector shall proceed upon any such warrant in the manner provided by law with respect to the collection of taxes in the several towns of this state, and pay the sums collected thereon to the village treasurer.

§ 18. The village treasurer shall pay to the persons (or to the attorneys or legal representatives of such persons,) to whom damages may have been awarded in the said reports, the amount of such damages, without any deduction therefrom by way of fee or commission. Payment of damages.

§ 19. The commissioners of estimate and assessment to be appointed as aforesaid, shall receive such daily or other compensation for their services, as the president and trustees may fix for that purpose; and such compensation, and the fees and charges of surveyors and other persons, shall be estimated as part of the expenses of the improvement, and be afterwards taxed or certified by some officer authorized to tax costs in the supreme court of this state. Pay of commissioners.

§ 20. If the estimate of the expenses shall exceed the amount of expenses which shall be actually incurred in making the improvement, such excess shall be refunded or allowed to the persons assessed, in proportion to the amount of their respective assessments. Excess to be refunded.

§ 21. The police constable of said village shall have the same powers and rights, and be charged with the same duties and responsibilities, as constables elected in towns; but he shall not serve any process in civil suits out of said village, except in favor of said village or against a person or persons fleeing therefrom. It shall be the duty of such police constable to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees. Police constable.

§ 22. Said corporation shall enjoy the privileges, and be subject to the restrictions contained in the third chapter of title eighteen of the first part of the Revised Statutes, so far as they may be applicable to such a corporation. General provisions.

§ 23. The said trustees, or a majority of them, when assembled in the business of said corporation, shall constitute a board; and in case of the absence of the president, one of the trustees may be appointed by the members present, as chairman of the said meeting. Quorum.

§ 24. The legislature may at any time hereafter, modify or repeal this act. Right to repeal.

CHAP. 267.

AN ACT to amend the fourth article of the first part of the Revised Statutes, entitled "Of the laying out of public and private roads, and of the alteration or discontinuance thereof."

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Amendment.

§ 1. The sixtieth section of the first title, of chapter sixteenth, of part first of the Revised Statutes, is hereby amended by inserting after the words "sworn by," the words "a justice of the peace or," so that the section shall read as follows :

Jury to examine and certify.

§ 60. If twelve reputable freeholders of the town, not interested in the lands through which the road is to be laid, nor of kin to the owner thereof, shall appear at the time and place specified in the notice, they shall then be sworn by a justice of the peace, or any officer authorized to administer oaths, well and truly to examine and certify in regard to the necessity and propriety of the highway applied for.

Former acts declared valid.

§ 2. All proceedings heretofore had under said sixtieth section, where the oath therein mentioned was administered by a justice of the peace, shall be and the same are hereby declared to be valid and effectual.

Saving clause.

§ 3. The passage of this act shall not affect or impair any suit or legal proceedings that may have been had, or commenced in consequence of the invalidity of any proceedings had before a justice of the peace under the section hereby amended, nor be construed in any such suit or proceeding as a legislative construction of said act.

Act to take effect.

§ 4. This act shall take effect immediately on the passage thereof.

CHAP. 268.

AN ACT to incorporate the Oneida and Jefferson turnpike company.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate,

by the name of "The Oneida and Jefferson Turnpike Company."

§ 2. The corporation hereby created, shall possess the ^{General powers.} general powers and privileges, and be subject to the general liabilities of turnpike corporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes of this state, except so far as shall be otherwise provided in this act.

§ 3. The capital stock of the said corporation shall consist of eight hundred shares of twenty-five dollars each, and shall entitle the holders in the choice of directors to one vote for each share they may hold of said stock; and if the said capital stock be insufficient for the purchase and completion of said road and its appurtenances, the said capital may from time to time, by a vote of two-thirds of the stockholders, be increased to such an amount as they shall direct.

§ 4. Elisha Camp, Thomas C. Chittenden, Clark Allen, Ira Seymour, Nelson Dawley, Alanson Bennet, shall be the commissioners to receive subscriptions for the stock, ^{Subscriptions to stock.} and two dollars on each share shall be paid to the commissioners at the time of subscribing for the same.

§ 5. The said corporation shall make a good and sufficient road, to commence at the village of Rome, and proceeding from thence by the way of Lee, Annsville, Florence, Redfield, Boystown, Lorraine, and Adams, to the village of Sacket's-Harbor, with the privilege of making said road on such separate portions and for such distances as the directors may from time to time direct, but no one portion of said road shall be for a less distance than ten miles. ^{Route of road.}

§ 6. Whenever the directors of the said corporation shall, as above mentioned, direct any additional sum to be raised, they shall give notice thereof, by publishing said notice six weeks successively in one of the newspapers in each of the counties of Oneida and Jefferson, specifying the sum required on each share, and the time of its payment; and in case any of the stockholders shall fail to pay their several proportions within thirty days thereafter, their several shares shall become forfeited to the said corporation, and be disposed of by the directors. ^{Calls on stockholders.}

§ 7. The said corporation may erect one gate for every ten miles, as soon as the same shall be completed, at each of which gates they shall be entitled to exact and receive tolls not exceeding the following rates, that is to say: for every coach, coachee, wagon, or other carriage, drawn by two horses, or other beasts, twelve and a half cents; ^{Rates of toll.}

for every additional horse, or other beast, three cents; for every one-horse wagon, cart, or other carriage drawn by one beast, six cents; for every horse and rider, four cents, and for every horse led by such rider, three cents; for every sled or sleigh drawn by one horse or other beast, four cents, and for every additional horse, two cents; for every score of cattle, horses or mules, twelve and a half cents; for every score of hogs or sheep, six cents; and in like proportion for a greater or less number of cattle, horses, mules, hogs or sheep; and it shall be lawful for the said corporation, if they shall deem it expedient, to erect instead of any one of said gates, two half-toll gates on said road, at each of which it shall be lawful to exact and receive one-half of the tolls above mentioned.

Right to repeal.

§ 8. The legislature may at any time alter, modify or repeal this act.

CHAP. 269.

AN ACT to incorporate the Buffalo and Niagara Falls rail-road company.

Passed May 3, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. All such persons as shall associate for that purpose, shall be and they are hereby constituted a body politic and corporate, by the name of "The Buffalo and Niagara Falls Rail-Road Company," with power to construct a single or double rail-road, between the city of Buffalo and the village at Niagara Falls; commencing at such point in the city of Buffalo, as the common council thereof shall in writing designate, and running thence on the upland route through the villages of Upper and Lower Black-Rock, and through the village of Tonawanda, to Niagara Falls, at such points, and on such route, as the majority of the directors of said company shall determine; to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence the construction of said rail-road or ways, and expend at least the sum of twenty thousand dollars thereon, and shall not

within five years from the passage of this act, construct, finish and put in operation the said single or double railroad, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall be ^{Stock.} one hundred and ten thousand dollars, which shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and be transferable in such manner as the said corporation shall by by-laws direct.

§ 4. Ebenezer Johnson, David E. Evans, Pierre A. Barker, Peter B. Porter, Robert M'Pherson, John Sweeney, Augustus Porter, Henry W. Clark and Joel M'Collum, shall be commissioners; whose duty it shall be, within one year from the passage of this act, at some suitable place in the city of Buffalo, and at such other place or places as they shall direct, to open books to receive subscriptions to the capital stock of the said corporation; and thirty days' public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one or more of the public newspapers in the county or counties where said books shall be opened; and the said commissioners shall, at the time of subscription by any person, for the capital stock of said corporation, require the payment to them by the person subscribing, of ten dollars upon every share so subscribed; and unless the same shall be paid, the subscription shall be invalid: And in case a greater amount of capital stock shall be subscribed for than the sum of one hundred and ten thousand dollars, the said commissioners shall distribute the stock, excepting only as is in this act otherwise provided, in such manner as a majority of them shall deem most advantageous to the interests of the said corporation; but in case the capital stock of said corporation shall not all be subscribed for, then the said commissioners shall be authorized to reopen the said books, at such other time and places, and in such manner, and after such notice, as they, or a majority of them, shall direct; and whenever the said capital stock shall have been subscribed, and the distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days' notice, in a public newspaper in the county of Niagara, and in the county of Erie, for a meeting of the stockholders, at such time and place as the said commissioners shall appoint, to choose seven directors: And such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote: And the said commissioners shall be

inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and books to the said directors: And the time and place of holding the first meeting of the said directors shall be fixed by the said commissioners. And the said directors shall cause such examinations and surveys for said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road, from the city of Buffalo, passing through the villages of Upper and Lower Black-Rock and the village of Tonawanda, as aforesaid, to the Niagara Falls; and the said directors shall, after such examination and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of each of the counties aforesaid; which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road or ways, as hereinafter mentioned.

Directorr.

§ 5. The first directors chosen shall hold their offices until the first Monday of June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in either of the counties aforesaid, as the said directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Every such election shall be held under the inspection of five stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. One at least of the said directors shall reside in each of the counties before mentioned. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election.

Election.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dis-

solved; but such election may be held at any time within sixty days thereafter.

§ 7. The corporation is hereby empowered to purchase, Real estate. receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted; and may, by their agents, surveyors and engineers, enter upon and take possession of and use, all such real estate as may be indispensable for the construction and maintenance of their single or double rail-road and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road; but all real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation may apply by petition to the vice-chancellor of the eighth circuit, and setting forth therein the necessity of such lands for making said rail-road, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reasons why the purchase cannot be made. And the said vice-chancellor to whom such petition shall be presented, shall direct such notice to the owner or owners of such lands, as he shall deem proper and reasonable, of the time and place of hearing the parties; and upon proof of due service of such notice, and upon hearing the parties, he shall appoint three disinterested freeholders of the county in which such lands are situated, to be commissioners to appraise said lands, and the damages the owner or owners shall sustain by reason of their appropriation to the uses of said company. The said commissioners shall cause due notice, in writing, to be served on said owner, or in case of absence, to be left at his usual place of residence, of the time when they will act in the premises. They shall examine the lands, and may administer oaths, and hear testimony, and shall make their appraisal in writing under their hands, with a minute and accurate description of the land appraised, with a map thereof, awarding to the owner thereof what they shall deem to be the full value thereof; as also the damages, if any, they may otherwise sustain from the making and maintaining of said road, and report the same, with the testimony taken, to said vice-chancellor. He shall examine the said report, and if required by either, hear the

parties in relation thereto, and increase or diminish the damages if he shall be satisfied that injustice has been done. The commissioners shall be allowed two dollars each day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages, and payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this act; and when the said order or decree shall be recorded in the office of the clerk of the county in which said lands are situated, whose duty it shall be to record the same, receiving the usual fees for recording, the said corporation shall be possessed of all such real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of minors, &c.

§ 8. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such real estate, the vice-chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Regulations as to travelling.

§ 9. The said corporation is hereby authorized to construct and use, a single or double rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings necessary for the accommodation of their concerns.

Crossing streams or roads.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water-courses, or any road or highway, or to pass along on the side or margin of said road or highway, where said road or highway is laid out six rods wide, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water-course, or road or highway thus intersected or used, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and

maintain sufficient fences upon the sides of the route of their single or double rail-road, wherever it is bounded by enclosed lands.

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double rail-road aforesaid, hereby authorized to be constructed; but said company shall not receive more than four cents per mile for the transportation of any passenger, including ordinary baggage. Tolls.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending, shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt. Penalty.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the county of Niagara, and a public newspaper published in the county of Erie, and in the state paper. Calls on stockholders.

§ 14. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General powers.

§ 15. The directors shall make an annual report in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them; which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years from the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

State may
purchase
road.

§ 16. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of the said rail-road, with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of ten per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, the said rail-road, with all the fixtures and appurtenances, shall vest in and become the property of the people of this state.

Tolls to be
paid to canal
fund.

§ 17. The said corporation hereby created shall pay to the commissioners of the canal fund the same tolls per mile on all goods and other property transported, taken and carried on said rail-road, except the ordinary baggage of passengers, as may, at the time of such transportation on the said rail-road, be required to be paid to this state on the same kind and description of goods and other property, transported, carried and conveyed on the Erie canal, excepting on so much of said road as extends to and from Tonawanda creek to the Falls of Niagara. And it shall be the duty of the said corporation, on the first days of April, July, October and January, in each year after the said rail-road, or any part thereof, shall be completed and used, or as soon after the said days as is practicable, to render to the comptroller a quarterly account or statement of all goods or other articles transported, carried or conveyed on the said rail-road: and which account or statement shall specify particularly the weight, quantity and description of goods thus transported, and the distance of such transportation on the said road, and shall be verified by the oath of the president and secretary, or two of the directors of said corporation.

Power of ca-
nal commis-
sioners.

§ 18. The canal commissioners are hereby invested with a general and supervisory power over so much of said rail-road as passes over the Erie canal, or approaches within ten rods of said canal, so far as such power may be necessary to preserve the free and perfect use of the said canal, and necessary for making any repairs, improvements or alterations in the same: and said company shall not construct their rail-road over or at any place within ten rods of any canal belonging to this state, unless said company shall lay before the commissioners aforesaid, a map, plan and profile, as well of the canal as of the route designated for their rail-road, exhibiting distinctly and accurately the

relation of each to the other, at all places within the limits of ten rods as aforesaid; and shall thereupon obtain the written permission of said canal commissioners, with such conditions, instructions and limitations as, in the judgment of said canal commissioners, the free and perfect use of any such canal may require.

§ 19. In compliance with the terms agreed upon between the stockholders, or some of them, of the Buffalo and Black-Rock rail-road company, and the applicants for this charter, the following proceedings shall be had:— James I. Baldwin, John D. Hearty and Benjamin Rathbun, or any two of them, shall, as soon as may be practicable after the organization of the company incorporated by this act, proceed to appraise the value of the materials and implements, and carriages, for constructing and using the road now belonging to the said Buffalo and Black-Rock rail-road company, and to ascertain the expenses incurred by the said company in preparing for the construction and use of said road, and in executing what has been done thereon; and shall make a statement of the value of the said materials, implements and carriages, and of the amount of the expenses so incurred, together with the amount of their charges for performing the duties hereby imposed upon them, not exceeding three dollars per day to each, and shall annex to such statement an affidavit, to be taken before any commissioner of deeds, that the said statement is just and correct, according to the best of their information and judgment; which statement shall be filed in the office of the clerk of the county of Erie.

§ 20. Within three months after the organization of the company hereby incorporated, the directors thereof shall pay to the president, directors and company of the Buffalo and Black-Rock rail-road company, the amount specified in the said statement, including the value of the materials and implements and carriages then on hand, and the expenses aforesaid; but the said company hereby incorporated, shall not be compelled to pay an amount exceeding ten thousand dollars. But if the appraisers appointed by this act shall appraise the materials, implements, carriages then on hand, and the expenses incurred (excepting for any land or car-house exceeding in value three hundred dollars,) over said sum of ten thousand dollars, in such case said commissioners shall select and retain under their appraisal, for the use and benefit of the said Buffalo and Black-Rock rail-road company, the excess in such carriages, horses or implements belonging to said

Appraisal
ment of Buf-
falo and
Black-Rock
rail-road.

Payment to
be made to
said com-
pany.

company as shall reduce their appraisal to said sum of ten thousand dollars.

Subscription
to stock.

§ 21. If any stockholder in the said Buffalo and Black-Rock rail-road company, shall subscribe for any of the said stock in the company hereby incorporated, he shall be entitled, in preference to any others, to receive so much stock in the company hereby incorporated, as shall be equal to the interest he shall then hold in the stock of the said Buffalo and Black-Rock rail-road company; the evidence of which interest shall be a certificate of the treasurer of the said last mentioned company, specifying the same; the said interest being hereby declared to be the amount which shall have been paid in upon the stock belonging to the person so subscribing.

Payment how
to be made
for such
stock.

§ 22. Every such stockholder so subscribing, shall be entitled to pay in upon his stock in the company hereby incorporated, to the full amount of his said interest in the Buffalo and Black-Rock rail-road company, by executing and delivering to the treasurer of the company hereby incorporated, a release and discharge of all claims by him to any portion of the amount herein before directed to be paid by the company hereby incorporated, for the expenses already incurred, and the materials and implements on hand, of the said Buffalo and Black-Rock rail-road company; which release and discharge shall be deemed and taken as a payment by the company hereby incorporated, to the said Buffalo and Black-Rock rail-road company, to the extent of the said interest in said company, of the stockholder executing the same, instead of the money herein before directed to be paid.

For materials
and im-
plements.

§ 23. Those stockholders of the Buffalo and Black-Rock rail-road company, who shall not have extinguished their interest therein by a release as above provided, shall be entitled to demand and receive of the president and directors of the said company, their full proportion of the amount herein before directed to be paid to the said company for materials, implements and expenses, according to the amount of his respective interests in the stock of the said company.

Materials,
&c. to be
used.

§ 24. Upon the amount, so directed to be paid as aforesaid, being paid, satisfied or extinguished as herein before provided, the company hereby incorporated shall be entitled to take and receive the materials and implements aforesaid, as their own property, and to make such use of the materials already laid down by the said Buffalo and Black-Rock rail-road company, as they shall think proper: and upon the agreement by the president and directors of the said Buffalo and Black-Rock rail-road company, to re-

cept the compensation hereby provided, and upon the same being made as herein authorized, the company hereby incorporated shall have and possess all the rights, privileges, property and franchises belonging to the said Buffalo and Black-Rock rail-road company, except such excess of property as is excepted in the twentieth section.

§ 25. Until such payment as herein directed shall be made to the said Buffalo and Black-Rock rail-road company, or until a tender thereof shall be made, the company hereby incorporated shall not be authorized to use any part of their road between Buffalo and Black-Rock, for any other purpose than the transportation of materials and implements to be used in the construction of the road hereby authorized: and for each and every wilful violation of this provision, the company hereby incorporated shall be liable to a penalty of two hundred and fifty dollars, to be recovered in an action of debt by the said Buffalo and Black-Rock rail-road company, to their own use. Refriction.

§ 26. The legislature may at any time alter, modify or repeal this act. Right to reap.

CHAP. 270.

AN ACT to amend an act entitled "*An act to incorporate the Kingston and Middletown turnpike road company,*" passed February 17, 1831.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The capital stock of the Kingston and Middletown turnpike road company is hereby increased five thousand dollars, so that the whole capital stock of said corporation shall be twenty thousand dollars, and the president and directors of said company shall have power and are hereby authorized to issue certificates of stock for two hundred shares of twenty-five dollars each, for the additional stock. Capital stock increased.

§ 2. Joseph S. Smith, Francis C. Voorhies and William Kerr, are hereby appointed commissioners to receive subscriptions for the said capital stock, hereby increased and created as aforesaid. Subscriptions.

§ 3. In cases where it has been, or shall hereafter be found necessary and advantageous to the public interest, that the said road should be constructed on lands not included within the present survey of said road, but on lands Alterations may be made in road.

lying adjacent thereto, and where no damage has been or shall be sustained or claimed by the owners thereof, such variations from the original survey are hereby authorized and confirmed; and the title to such parts of the road shall be vested in the said corporation to the same extent as other parts of the road, when the said corporation shall have caused accurate maps and field notes of the surveys of such alterations to be made and filed, according to the directions of their act of incorporation in relation to the original survey of said road.

Commence-
ment of road.

§ 4. The commencement of the road of said company shall be at a point, fourteen chains from the northerly end of the bridge across the Esopus creek, near the village of Kingston, and so much of said road as lies between the said points is hereby made a highway of the said town of Kingston.

Time limited.

§ 5. The time for completing said turnpike road is hereby extended for the term of three years from the passing of this act.

Rates of toll.

§ 6. The tolls authorized to be taken by the said incorporation by virtue of the fifth section of the act hereby amended: "For every chair, chaise, or sulkey drawn by one horse," shall hereafter be the same as that authorized by the said act to be taken "for every wagon drawn by one horse, ox, or mule," and the tolls in said section specified "for every chariot, coachee, phaeton, or pleasure carriage, drawn by two horses," shall hereafter be the same as that authorized to be taken "for every stage, wagon, or other four wheeled carriage drawn by two horses," and so much of said act as is repugnant hereto is hereby repealed.

§ 7. This act shall take effect from the passage thereof.

Right to re-
peal.

§ 8. The legislature may at any time alter, modify or repeal this act.

CHAP. 271.

*AN ACT for establishing a justices' court in the city of
Troy.*

Passed May 5, 1834.

*The People of the State of New-York, represented in
Senate and Assembly, do enact as follows:*

Justices and
clerk to be
appointed.

§ 1. It shall and may be lawful for the person administering the government of this state, by and with the consent of the senate, from time to time to appoint and com-

mission, three persons, to be called and known by the name of "The Justices of the Justices' court in and for the city of Troy," and one other person, to be called and known by the name of "The Clerk of the Justices' court in and for the city of Troy," to hold their said offices respectively, for and during the term of four years: and in their said commissions the said justices shall also be appointed justices of the peace, in and for the county of Rensselaer, with all and singular the powers in criminal cases, incident to the office of justices of the peace.

§ 2. If the said clerk should remove out of the city of Troy, be sick or absent, or by any other ways or means become incapable of exercising and performing the duties of his said office in the recess of the senate, then and in such case the said justices, or a major part of them, may as often as need be, fill the said vacancy, by the appointment of some other person as clerk, who shall hold his office during the sickness, absence, or other incapacity of the person so appointed by the senate, or until the said senate shall appoint some other person to the said office. Vacancies how to be supplied.

§ 3. The said justices of the said justices' court shall have power and authority to hold a court in the said city of Troy, and such court shall be called "The Justices' Court of the city of Troy," and shall have jurisdiction in the said city, to hear, try and determine all actions, which are now cognizable before a single justice of the peace in said city, and shall in all respects proceed in like manner, except as is otherwise provided by this act. Style of the court.

§ 4. The said court shall have a seal, to be devised and directed by the justices thereof; and the clerk of the said court, before he shall enter upon the duties of his said office, shall take and subscribe the oath prescribed by the constitution of this state, before one of the justices of the said justices' court, which oath, certified by the justice before whom the same shall be taken, shall forthwith be filed in the office of the clerk of the county of Rensselaer; and the said court shall be open every day at seasonable hours, except Sunday, the three days of the annual election, the stated election for the city charter officers, the fourth day of July, the twenty-fifth day of December, and the first day of January in every year. Seal.

§ 5. Except as is hereinafter excepted, no judgment shall be given or rendered, nor any rule or order made in any cause in the said court before the said justices, nor any conviction had upon any statute or law, unless two of the same justices hereby authorized to hold such court shall be present; and if only one of them shall attend on any court day, he shall adjourn the said court to the next Two justices necessary to hold court.

court day; and if on any court day neither of the said justices shall attend, then the clerk of the same court shall and may adjourn the court to the next court day: It shall and may be lawful for any one of the said justices to receive the confession of the defendant or defendants of the action of the plaintiff, and of the debt and damages or sum of money due to the plaintiff, and to give judgment and issue execution thereupon, in like manner as if any two of the said justices were present. In case of the sickness or death, or temporary absence from the city of any two of the said justices, then and in either case, one of the said justices shall have power to hold the said court, and to hear, try and determine the causes in the same manner as if two of the said justices were present: If either of said justices shall be of the degree of counsellor at law in the supreme court, any such justice shall have power to hold said court, and perform all the duties appertaining thereto, in the same manner as if two of the said justices were present.

Docket or
register to be
kept.

§ 6. The clerk of the said court shall cause to be entered or registered in proper books to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process which may be issued by the said court, and the return to all such summonses, warrants, precepts, executions and process; and also proper entries of all acts, orders, dismissions, decrees, judgments, adjournments and proceedings of the said court; and also the substance of the plaintiff's charge or demand, and of the defendant's plea.

Process how
to be tested.

§ 7. All applications for process for the recovery of any debt or demand, to be sued for in the said court to be holden by virtue of this act, before the said justices, shall be made to the clerk or one of the justices of the said court; and all process to be issued out of the said court, shall be tested in the name of the said justices, and be signed by the clerk of the said court, with his name, and with these words, "By the Court," and sealed with the seal of said court; and the forms or process now adopted and used by single justices of the peace in the prosecution of suits before them, shall be adopted and used, as near as may be, by the said justices' court, except that the same shall be made returnable before the said court by its proper title. The clerk or any justice of said court shall have power to administer the oaths required by law on the issuing of a warrant or execution in a civil cause, in like manner as a justice of the peace may administer the same.

§ 8. No accounts for any official services to be hereafter rendered in any one year by any one of the justices of the city of Troy, except those appointed by virtue of this act, shall be audited by the board of supervisors of the county of Rensselaer, at an amount exceeding fifty dollars.

Accounts
how to be
audited.

§ 9. It shall not be lawful for any special constable, authorized to be appointed by the common council of the city of Troy, to serve any civil or criminal process issued by any justice of the peace in said city, or by the justices' court established by this act, except such process shall be issued to suppress a riot.

Process how
to be served.

§ 10. In all cases in which, according to the provisions of this act, security shall be required, it shall be lawful for the justices or clerk taking such security, to examine the person or persons who may be offered as security, on oath, as to his, her or their sufficiency to become such security.

Security.

§ 11. It shall and may be lawful for any one of the said justices, at any time, to administer the oath prescribed by law for obtaining execution on any judgment which shall have been entered in the said court, and grant execution or make any other necessary order thereon; and also to take the confession of the defendant in any suit or action commenced by warrant issued out of the said court, and enter judgment and grant execution thereon, in the same manner as if the same was done in open court; and the justice, before whom the said proceedings shall be had, shall enter or cause to be entered in the proper book or books of the said court, the substance of the said proceedings, together with a note or memorandum purporting that the same were had out of the court; and also the time when, and the name of the justice before whom the same were had.

Justices may
administer
oath.

§ 12. No more than one jury shall be summoned to attend the same court, to be holden before the said justices on any one day; and if there be more than one cause to be tried by jury in the said court on that day, the same jurors shall be returned in each cause; and every person qualified to serve as a juror upon trials had in the mayor's court of the city of Troy, shall be considered as duly qualified to serve as jurors upon trials in the said court to be holden before the said justices.

Jury.

§ 13. The register and books of entries for the said court, so to be holden before the said justices, or copies thereof, attested by the said clerk, under the seal of the same court, shall be deemed legal evidence in all courts, of the acts and proceedings of the same court.

Books of
court or en-
tries to be ev-
idence.

Writs of certiorari.

§ 14. Appeals and writs of certiorari may be brought and prosecuted from any judgment of the said court, in the same manner as they may be brought and prosecuted from the judgment of any justice of the peace of this state, except that the same shall be directed to the said court by its proper title, and the return thereto shall be made and signed by the clerk of the said court under its seal.

Clerk to enter into bond with surety.

§ 15. Every clerk to be appointed by virtue of this act, shall, before he shall enter upon the duties of his office, enter into a bond with one or more sufficient sureties, to be approved of by the mayor or recorder of the city of Troy, to be signified by an endorsement to that effect upon the said bond, to the mayor, recorder, aldermen and commonalty of said city of Troy, in the penal sum of two thousand dollars, conditioned jointly and severally to answer the said mayor, recorder, aldermen, and commonalty of said city and the parties, if any shall complain, and that such clerk shall pay over all moneys received by him, and well and faithfully execute the said office of clerk, without fraud, deceit or oppression; and it shall be the duty of the said clerk to receive all moneys paid into said court by any constable, other officer or party, and to pay them out to such persons as shall be lawfully entitled to receive the same, in default of which payment the said bond shall be forfeited.

Fees.

§ 16. The same fees authorized to be received by any justice of the peace for any process, proceedings, or services issued, done or performed by him as a justice of the peace, in any cause or proceeding, civil or criminal, shall be taken and received for the like process, proceedings and services, issued, done and performed by the said justices' court, or any justice or clerk thereof, and no more, to be equally divided by and between each of the said justices and clerk, and the said justices or one of them; and the said clerk at least once in every three months, shall render on oath to the chamberlain of the city of Troy, a true and just account and statement of all moneys received as and for fees, by said clerk or either of the said justices, for any services, civil or criminal, rendered, done or performed by the said justices' court, or either of the said justices or clerk, during the preceding three months, and shall within three days thereafter pay over to the said chamberlain all moneys that may remain of such fees, over and above the compensation to be allowed to the said justices and clerk, and the contingent expenses of the said court.

§ 17. The said justices of the said justices' court, and the said clerk, may keep and retain in their hands from the said fees, arising from business, civil and criminal, done in said court, or by either of the said justices or clerk, a sum not exceeding eight hundred dollars a year for each justice and the said clerk, in equal quarterly allowances; and the contingent expenses of said court for office rent, books, blanks, stationary and lights, shall also be paid out of the moneys arising from said fees; and the said justices and clerk in the rendition of their quarterly account, shall render an account and statement of such contingent expenses. Pay of justices and clerk.

§ 18. The usual and ordinary allowances of fees for justices of the peace in criminal cases, shall be allowed to the justices of the said justices' court, and such account, when the same shall be audited and allowed by the board of supervisors of the county of Rensselaer, shall be paid to the chamberlain of the city of Troy by the county treasurer, and the said sum shall be paid out by the said chamberlain, on warrant of the mayor of said city, to said justices and clerk, in case the fees in civil and criminal cases received by the said justices and clerk shall not amount to the sum of eight hundred dollars each for the said justices and clerk, after deducting the contingent expenses of the said court. Their accounts how to be audited.

§ 19. The Revised Statutes relative to justices of the peace, and the courts holden by justices of the peace in this state, in all cases civil and criminal, (except as in this act is otherwise provided,) and all acts of the legislature in amendment of the Revised Statutes, shall apply to justices authorized to be appointed by this act, and to the said justices' court hereby established. General provisions.

§ 20. The number of the justices of the peace hereafter to be appointed in the city of Troy, shall not exceed three in number, and those to compose the justices' court hereby created; but nothing in this act contained shall be construed to deprive the persons who now are justices of the peace of the said city of the enjoyment of their office, for the period for which they shall have been respectively appointed. Justices in Troy.

§ 21. This act shall take effect immediately on the passage thereof. Act to take effect.

CHAP. 272.

AN ACT to amend article 2d, of title 1st, of chapter 1st, of the second part of the Revised Statutes, entitled "Of persons capable of holding and conveying lands."

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Resident
aliens.

§ 1. Article second, of title first, of chapter first, of the second part of the Revised Statutes, entitled "Of persons capable of holding and conveying lands," shall be so amended, that the fifteenth section thereof shall hereafter read as follows: "Any alien who has come, or may hereafter come into the United States, may make a deposition or affirmation in writing before any officer authorized to take the proof of deeds to be recorded, that he is a resident of, and intends always to reside in the United States, and to become a citizen thereof, as soon as he can be naturalized, and that he has taken such incipient measures as the laws of the United States require to enable him to obtain naturalization, which shall be certified by such officer, and be filed and recorded by the secretary of state in a book to be kept by him for that purpose; and such certificate, or a certified copy thereof, shall be evidence of the facts therein contained.

CHAP. 273.

AN ACT to amend an act, entitled "An act to incorporate the village of Skaneateles, in the county of Onondaga," passed April 19th, 1833.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Fire buckets:

§ 1. In addition to the authority now vested in the trustees of the village of Skaneateles, the said trustees are hereby authorized to require the owners and occupants of houses, stores, shops, and other buildings within the said village, to procure and keep for use such and so many fire buckets as they shall deem necessary for the extinguishment of fires in the said village, not exceeding five in number, to be procured and kept by each, and to regulate the use of the said buckets; and if any owner or occupant when so required, shall refuse or neglect to procure and

keep such bucket or buckets, he shall incur the same penalty as is provided by the seventh section of the act hereby amended; to be sued for, recovered and collected in the manner therein directed.

§ 2. The inhabitants of the said village qualified to vote by the act hereby amended at their annual or special meeting, shall vote and determine what sum shall be raised, levied and collected from the inhabitants of the said village for the purchasing of any personal property for the use of the said village, and to defray the ordinary expenses of the said corporation, and also for the purchase of so much land within said village, as may be necessary for the erection of not more than two engine houses, a public pound and public hay-scales, which sum or sums when so determined, the board of trustees are hereby authorized and empowered so to lay out, for the purpose for which it was voted; and upon any sum or sums being voted as aforesaid, the said board of trustees shall make out a tax roll under the seal of the said corporation, apportioning the sum and the per centage of the collector, which they are authorized to add to the sum so to be raised and collected among the several persons liable to taxation in said village, both resident and non-resident, according to the value of their real and personal estate within said village. The valuation of taxable property may be ascertained and assessed by the said trustees from the last assessment roll of the town of Skaneateles, or from the best evidence in the power of the trustees to obtain in each particular case; but if the said trustees shall deviate from the said town assessment roll, they shall give notice to the persons interested, and proceed in the same manner as the town assessors are required by law to proceed in the valuation of taxable property. And the said trustees shall, by warrant, authorize the collector under their hands and seals, to collect the said tax, and pay the amount to the treasurer, retaining in his hands two per cent for collecting: and the said collector after giving security to the said trustees, to be approved of by the president of the said board and filed in the office of the said clerk, shall proceed to the collection with like power and authority as the collectors of towns, and shall pay the said tax to the treasurer at the time directed in his warrant: and in case any sum assessed upon any real estate cannot be collected in the manner aforesaid, it shall remain a debt of record against the owner or occupant, and may be sued for and recovered in the name of the said trustees, with costs; and when received shall be paid to the treasurer, together with the other moneys belonging to the corporation, subject to the order of the trustees.

Money to be
raised by tax.

Persons to be
taxed.

§ 3. Every inhabitant of the said village, having in his possession or under his control any personal property as trustee, guardian, executor or administrator, shall be deemed a taxable inhabitant to the amount thereof, within the meaning of the fourteenth section of the act hereby amended, and may charge the tax when paid, against the estate of which he is trustee, guardian, executor or administrator.

Laying out
streets, &c.

§ 4. Whenever the said trustees shall lay out, establish, alter or discontinue any street or road within the said village, the records and proceedings necessary to be made or filed in consequence thereof, shall be made or filed, (as the case may be,) in the office of the clerk of the village of Skaneateles.

Overseer of
highways to
give bond.

§ 5. The overseer of highways, before entering on the duties of his office, shall execute and file with the said clerk a bond, in such penalty as the said trustees shall direct, with sureties to be approved by the president of the said board, conditioned for the faithful performance of the duties of his said office, and that he will account for and pay over all moneys received by him as such overseer to the said trustees according to law.

His pay.

§ 6. The said trustees may allow to the said overseer of highways such compensation for his services as they shall deem proper, but not exceeding the sum of one dollar and fifty cents per day. Such compensation may be paid by the said trustees out of the moneys received for highway labor, or from money raised from ordinary expenses, or from both, in their discretion. And the said trustees may require all or any proportion that they deem proper, of the said highway work, except the poll tax of the male inhabitants respectively, to be paid in money instead of labor, at the rate of sixty-two and a half cents for each day assessed; and may by warrant authorize the said overseer to collect the same with the like power and authority as to the collectors of towns in the collection of taxes.

Repeal.

§ 7. All such provisions of the act entitled, "An act to incorporate the village of Skaneateles, in the county of Onondaga," passed April nineteenth, one thousand eight hundred and thirty-three, as are inconsistent with the provisions of this act, are hereby repealed.

order, to enforce obedience, to commit for disorderly conduct, to judge of the qualifications of any person offering to vote for any officers to be elected, or for any resolution to be offered, and to canvass the votes given, and to declare the result thereof, as is given to persons presiding at town meetings.

§ 9. At each annual meeting of the inhabitants of said village, the inhabitants entitled to vote for officers, shall appoint the time for holding their next annual meeting, and elect, by ballot, five trustees, one clerk, one treasurer, three assessors, one collector, one police constable, and five fire wardens of said village, who shall respectively hold their offices until the next annual meeting, and until officers shall be chosen in their places, and shall have given notice of their acceptance. Officers to be elected.

§ 10. The officers at the first annual meeting shall, within ten days after their election, deliver to the person who shall have presided thereat, written notices of their acceptance of the office to which they shall have been respectively chosen, to be by such person filed with the clerk of said village. All officers who shall thereafter be chosen or appointed for said village, shall, within ten days after their election or appointment, deliver a like notice to the clerk of said village, who shall file the same. To give notice of acceptance.

§ 11. All officers shall be residents, and the assessors and trustees shall be freeholders in said village. Officers to be residents.

§ 12. No person shall be entitled to vote for the election of any officer of said village, unless he reside therein, and possess the qualifications requisite for him to vote at town meetings. No person shall be entitled to vote on any question relating to the raising or appropriating public moneys in said village, unless the person offering his vote shall, at the time, be a taxable inhabitant upon real or personal property within said village, and shall have resided in said village for the last six months previous to offering such vote. Voters.

§ 13. The inhabitants of said village qualified to vote for the raising of moneys, shall have power at any annual or special meeting, to direct the raising by tax one thousand dollars the first year, and three hundred annually thereafter, as they may deem necessary to carry into effect the intent and provisions of this act. Taxes.

§ 14. It shall be the duty of the trustees of the said village within ten days after each annual meeting, to choose one of their number to be the president of the said corporation; such president shall preside at all meetings of the trustees to be held during the term of his appointment. President.

In case of his absence from any such meeting, the trustees attending shall choose one of their own number to preside, and perform the duties of the president in his absence.

Stated meetings.

§ 15. It shall be the duty of the said trustees to hold stated meetings at the times prescribed in their by-laws, and to hold special meetings when called in the manner provided by said by-laws; and to publish the by-laws, rules, regulations and ordinances which they shall make and ordain, for two weeks, in all the newspapers printed in said village.

Police regulations.

§ 16. The said trustees shall have power,

1. To purchase fire engines, and other usual and necessary apparatus and implements for extinguishing fires, and to erect houses for the safe keeping thereof.

2. To inspect, and cause to be inspected, fire places, chimneys, stoves and stove-pipes, and to cause the same to be put up and kept in safe condition, and to enter, and to cause others to enter houses and other buildings, for such purposes at all proper times.

3. To compel the inhabitants of said village to provide and keep fire-buckets.

4. To compel the said inhabitants to make scuttles in the roofs of their buildings.

5. To prescribe the powers and duties of the fire-wardens.

6. To organize and provide for the government and exercise of fire companies, and hook and ladder companies.

7. To compel the inhabitants of said village to deposit their ashes in safe places.

8. To provide for the digging of wells and public sewers, and the making aqueducts, cisterns and reservoirs of water, in the manner hereinafter provided.

9. To purchase hay-scales, and regulate the manner and prices of weighing hay and other commodities, and to appoint a weigh-master, who shall hold his office during the pleasure of the said trustees.

10. To prevent and remove obstructions in the streets and side-walks, and to prevent injuries thereto, and to prevent improper and immoderate riding and driving.

11. To restrain the running at large in said village of cattle, horses, sheep, swine and geese, and to erect a pound within said village, appoint a pound-master, and prescribe his fees and duties, which pound-master shall hold his office during the pleasure of said trustees.

12. To restrain and suppress all descriptions of gaming and fraudulent devices; to regulate grocers and keepers of victualling-houses, where fruits, liquors, meats or other

articles shall be sold, in order to be eaten or drank in said houses within the said village.

13. To restrain all exhibitions of any natural or artificial curiosities, or caravans of animals, or other shows or exhibitions for money, or to permit the same under such regulations and upon such terms as may be deemed proper.

14. To prevent leading, driving or riding horses or cattle upon the sidewalks of the streets or other places.

15. To prevent the firing of fire-arms and fire-works of every description within the village, and to prevent or extinguish destructive fires.

16. To prevent, abate or remove any nuisances, and to prevent and remove any encroachment or incumbrance upon any street or sidewalk, or other place or property of the said village.

17. To regulate the keeping and transporting through the village, of gunpowder and other combustible materials.

18. To require all householders to keep suitable fire-buckets in their houses, and which are hereby exempted from seizure, distress or sale.

19. To prohibit or allow the sale of goods, wares and merchandize at auction, by non-residents of the village, as they may deem proper.

20. To provide for the safe keeping and repairing of the property of the said corporation.

21. To appoint the times and places for their special and stated meetings, and to prescribe the manner of calling special meetings.

22. To fill vacancies that shall happen in any office from any cause whatever, by appointments under the hands of the president and clerk, and the seal of the corporation.

23. To direct the times within which the assessors of said village shall complete their assessments, and to return such assessments on appeal.

24. To require of the treasurer and collector, and police constable of said village, such security for the faithful performance of the duties of their respective offices, as they may deem proper.

25. To issue warrants under their hands for the collection of taxes; to renew the same, (any tax not having been collected,) and to direct the time within which the collector shall collect and pay over the same.

26. To prescribe the manner in which moneys shall be drawn from the hands of the collector.

27. To make, ordain, and alter, amend and repeal all such by-laws, rules, regulations and ordinances which may be necessary to carry into effect the intent and provisions

of this act, which shall take effect on the expiration of eight days after their first publication.

28. To prescribe and ordain suitable fines, penalties, and forfeitures for offences against such by-laws, rules, regulations and ordinances, and the provisions of this act, not exceeding ten dollars for any one offence, and to remit such fines, penalties and forfeitures, wholly or in part.

Firemen.

§ 17. The said trustees shall have power to organize a fire company to every fire engine possessed, and kept in repair by said village, and so many hook and ladder companies as they may deem necessary. Such companies shall be composed of persons who shall be appointed under the hands of the president and clerk, and the seal of the corporation; but no fire company shall contain more than sixteen persons, and no hook and ladder company shall contain more than ten persons.

Clerk.

§ 18. The clerk of said village shall have the custody of the records, books and papers of the said corporation, and shall file and preserve all papers delivered to him for that purpose. He shall attend all the meetings of the inhabitants of said village, of the said trustees, and record the proceedings of such meetings in a book or books to be provided for that purpose; he shall keep a poll list of the names of persons voting at any election of officers for said village. In case the clerk shall be absent from any such meeting, such person as shall be chosen or appointed therefor, shall on such occasion, perform the duties appertaining to the office of clerk.

Treasurer.

§ 19. It shall be the duty of the treasurer of said village to give security for the faithful performance of the duties of his office, as shall be required of him by the said trustees; to receive all moneys belonging to said corporation, and pay over the same in the manner directed by the said trustees; to account for such moneys to the inhabitants of said village at their annual village meetings; and to the said trustees when thereunto required by them.

Taxes how to be assessed.

§ 20. Whenever the taxable inhabitants of said village shall have directed the raising of any sum or sums of money by tax, the assessors of said village shall, within such time as the said trustees shall have directed, make out a tax list thereof, in which they shall set down the names of all the taxable inhabitants of said village, and the names, so far as they can be ascertained, of non-residents, who shall own real estate or personal property therein, except debts, the quantity of the real estate, and the value of the real and personal taxable property of the inhabitants of said village, and the description, quantity and value of the taxable real estate situate therein, belong-

ing to such non-residents, and they shall apportion the sum or sums to be raised by such tax, on such inhabitants and non-residents, in proportion to the valuation of such property.

§ 21. Whenever the said assessors shall have completed a tax list for any purpose whatever, they shall deliver the same to the president of the corporation, or in case of his absence, to the clerk of said village; such president or clerk shall forthwith give public notice, by written or printed notices to be put up at four or more public places in said village, of the completion of such tax list by the said assessors: and shall specify in such notices the time and place at which the said trustees will meet to hear appeals from the doings of the assessors. The time of such meeting shall not be less than ten days from the time of putting up such notices. All persons to be affected by such tax, shall have the privilege, at all reasonable times at or previous to such meeting of the trustees, to examine such tax list, and to appeal therefrom to said trustees, at the time and place mentioned in such notices, and at such other times and places as the said trustees shall appoint therefor; the said trustees shall meet, and on receiving any such appeal, shall have power to alter and correct such tax list as they shall deem just and equitable.

§ 22. Whenever such tax list shall be finally completed, the said trustees shall forthwith cause a copy thereof to be delivered to the treasurer of said village, and another copy thereof, with their warrant thereto annexed, for the collection of the taxes therein mentioned, to the collector of said village.

§ 23. It shall be the duty of the said collector to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees; upon receiving any tax list and warrant, he shall collect and pay over to the treasurer of said village the taxes mentioned in said list, retaining his fees for collection, within the time specified in such warrant therefor, or within such further time as shall be allowed therefor by the said trustees. In the collection of taxes the collector of the said village shall have the like authority, and proceed in the same manner, as collectors of the taxes of towns.

§ 24. Every inhabitant of said village belonging to any fire company or hook and ladder company therein, shall be exempt from serving on juries, except in justices' courts, and from doing military duty, except in cases of war, invasion or insurrection. The evidence of the right to such exemptions shall be a certificate, signed by the president

or clerk, and dated within two months previous to the time when such duty or service might otherwise be required.

Payment of
taxes.

§ 25. The occupant or person in possession of any real estate, or taxable personal property in said village at the time any tax shall be assessed and apportioned, shall be liable to pay the amount so assessed and apportioned thereon; and any such person who is not bound by contract or otherwise to pay such tax, may recover the same, or such part thereof as shall have been collected from him, in an action for money paid, laid out and expended, of and from the owner or owners of such real estate, or such other person as shall be liable to pay such tax; all taxes upon any real estate in said village, shall be a lien thereon, and be preferred in payment to all other charges, except other taxes. No tax except highway taxes shall be assessed by virtue of this act, on any farm lands included within the bounds of said village, so long as such farm lands shall be kept and reserved for general farming purposes, unless said farm lands shall be laid out in village lots, and bounded upon some street or highway in said village; but all mills, houses and other buildings on such farm lands in said village, shall be subject to taxation in like manner as other village property.

Road district.

§ 26. The said village shall be and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Le Roy; and the said trustees of the village of Le Roy shall have all the powers over the said road districts, and discharge all the duties which by law are given to and enjoined upon commissioners of highways, and subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of said village, at their annual meetings as aforesaid, to choose an overseer of highways for each and every subdivision in said road districts as shall be laid out by such trustees, which overseers shall have all the powers and discharge all the duties, in their several districts or subdivisions, which by law are given to or enjoined upon other overseers of highways; giving in their lists and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do to the town clerk and to the commissioners of highways; and in case of the vacancy of overseers of highways it shall be the duty of the trustees, or a major part of them, to fill such vacancy in the manner prescribed in the eighth section of this act for filling other vacancies. All bridges across the stream or river called Allen's creek, in said village, shall be built

and rebuilt by the town of Le Roy, in the same manner as if this act had not been passed.

§ 27. Every person, not qualified as required in and by the foregoing twelfth section of this act, who shall vote contrary to the provisions of the said twelfth section, shall forfeit and pay ten dollars for every such offence. Penalty.

§ 28. The police constable of said village shall have the same powers and rights, and be charged with the same duties and responsibilities, as constables elected in towns; but he shall not serve any process in civil suits out of said village, except in favor of said village or against a person or persons fleeing therefrom. It shall be the duty of such police constable to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees. Police constable.

§ 29. Every fine, penalty and forfeiture incurred for any offence against any of the by-laws of said village, and against any of the provisions of this act, shall be sued for and recovered by the said trustees in an action of debt, in the name of such corporation, before any justice of the peace or court having jurisdiction thereof, in which action it shall be sufficient to declare and plead generally, and under such declaration and pleadings to give the special matter in evidence. No inhabitant of such village shall, for that cause, be disqualified from acting as justice, juror, witness or constable in any such action. Such fines, penalties and forfeitures, when collected, shall, within ten days thereafter, be paid to the treasurer of said village. Fines and penalties.

§ 30. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 276.

AN ACT to incorporate the Medina and Darien railroad company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All such persons as shall associate for the purpose, shall be and they are hereby constituted a body politic and corporate, by the name of "The Medina and Darien rail-road company," with power to construct a single or double rail-road, between the village of Medina and the Alexander and Buffalo road, commencing at or Corporation created.

or clerk, and dated within two months previous to the time when such duty or service might otherwise be required.

Payment of
taxes.

§ 25. The occupant or person in possession of any real estate, or taxable personal property in said village at the time any tax shall be assessed and apportioned, shall be liable to pay the amount so assessed and apportioned thereon; and any such person who is not bound by contract or otherwise to pay such tax, may recover the same, or such part thereof as shall have been collected from him, in an action for money paid, laid out and expended, of and from the owner or owners of such real estate, or such other person as shall be liable to pay such tax; all taxes upon any real estate in said village, shall be a lien thereon, and be preferred in payment to all other charges, except other taxes. No tax except highway taxes shall be assessed by virtue of this act, on any farm lands included within the bounds of said village, so long as such farm lands shall be kept and reserved for general farming purposes, unless said farm lands shall be laid out in village lots, and bounded upon some street or highway in said village; but all mills, houses and other buildings on such farm lands in said village, shall be subject to taxation in like manner as other village property.

Road district.

§ 26. The said village shall be and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Le Roy; and the said trustees of the village of Le Roy shall have all the powers over the said road districts, and discharge all the duties which by law are given to and enjoined upon commissioners of highways, and subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of said village, at their annual meetings as aforesaid, to choose an overseer of highways for each and every subdivision in said road districts as shall be laid out by such trustees, which overseers shall have all the powers and discharge all the duties, in their several districts or subdivisions, which by law are given to or enjoined upon other overseers of highways; giving in their lists and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do to the town clerk and to the commissioners of highways; and in case of the vacancy of overseers of highways it shall be the duty of the trustees, or a major part of them, to fill such vacancy in the manner prescribed in the eighth section of this act for filling other vacancies. All bridges across the stream or river called Allen's creek, in said village, shall be built

and rebuilt by the town of Le Roy, in the same manner as if this act had not been passed.

§ 27. Every person, not qualified as required in and by the foregoing twelfth section of this act, who shall vote contrary to the provisions of the said twelfth section, shall forfeit and pay ten dollars for every such offence. Penalty.

§ 28. The police constable of said village shall have the same powers and rights, and be charged with the same duties and responsibilities, as constables elected in towns; but he shall not serve any process in civil suits out of said village, except in favor of said village or against a person or persons fleeing therefrom. It shall be the duty of such police constable to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees. Police constable.

§ 29. Every fine, penalty and forfeiture incurred for any offence against any of the by-laws of said village, and against any of the provisions of this act, shall be sued for and recovered by the said trustees in an action of debt, in the name of such corporation, before any justice of the peace or court having jurisdiction thereof, in which action it shall be sufficient to declare and plead generally, and under such declaration and pleadings to give the special matter in evidence. No inhabitant of such village shall, for that cause, be disqualified from acting as justice, juror, witness or constable in any such action. Such fines, penalties and forfeitures, when collected, shall, within ten days thereafter, be paid to the treasurer of said village. Fines and penalties.

§ 30. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 276.

AN ACT to incorporate the *Medina and Darien rail-road company*.

Passed May 5, 1834.

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§ 1. All such persons as shall associate for the purpose, shall be and they are hereby constituted a body politic and corporate, by the name of "The Medina and Darien rail-road company," with power to construct a single or double rail-road, between the village of Medina and the Alexander and Buffalo road, commencing at or Corporation created.



near the village of Medina, and running thence a southerly direction to the said road, at such points and on such route as the majority of the directors of said company shall determine, to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passing of this act.

Time limited.

§ 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence the construction of said rail-road and expend at least the sum of ten thousand dollars thereon, and shall not within five years from the passage of this act, construct, finish and put in operation the said single or double rail-road, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and transferable in such manner as the said corporation shall by by-laws direct.

Subscriptions
to stock.

§ 4. William R. Gwinn, Botsford Fairman, Justice Ingersoll, L. A. G. B. Grant and Lyman Bates shall be commissioners, whose duty it shall be, within one year from the passage of this act, at some suitable place in the village of Medina, and at such other place or places as they, or a majority of them, shall direct, to open books to receive subscriptions to the capital stock of the said corporation; and thirty days' public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one or more of the public newspapers in the county or counties where said books shall be opened; and the said commissioners shall, at the time of subscription by any person or persons, for the capital stock of said corporation, require the payment to them by the person or persons subscribing, of ten dollars upon every share so subscribed; and unless the same shall be paid, the subscription shall be invalid: and in case a greater amount of capital stock shall be subscribed for than the sum of one hundred thousand dollars, the said commissioners shall distribute the stock, in such manner as a majority of them shall deem most advantageous to the interest of the said corporation; but in case the capital stock of said corporation shall not all be subscribed for, then the said commissioners shall be authorized to re-open the said books, at such other time and places, and in such manner, and after such notice, as they, or a majority of them, shall direct; and whenever the said capital stock shall have been sub-

scribed, and the distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days' notice, in a public newspaper in the county of Orleans, and in the county of Genesee, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose seven directors: and such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote: and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and books to the said directors: and the time and place of holding the first meeting of the said directors shall be fixed by the said commissioners. And the said directors shall cause such examinations and surveys for said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road, from the village of Medina to the Buffalo road; and the said directors shall, after such examination and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of each of the counties aforesaid; which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road or ways, as hereinafter mentioned.

§ 5. The first directors chosen shall hold their offices Directors. until the first Monday in June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be held annually on the first Monday in June, in each and every year, at such time and place in either of the counties aforesaid, as the directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Every such election shall be held under the inspection of five stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. One at least of the said directors shall reside in each of the counties before mentioned. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall

be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election.

Election.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

Real estate.

§ 7. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary in accomplishing the objects for which this corporation is granted; and may, by their agents, surveyors and engineers, enter upon and take possession of and use, all such lands and real estate as may be indispensable for the construction and maintenance of their single or double railroad, and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them. In case of a disagreement as to price, and before making of any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the eighth circuit, setting forth a description of the lands taken for the said road. And the said vice-chancellor to whom such petition shall be presented, shall direct such notice to be given to the other party as he shall deem proper and reasonable, of the time and place of hearing the parties; and upon proof of due service of such notice, and upon hearing the parties at the time and place mentioned in the said notice, he shall appoint three competent and disinterested freeholders of the county in which the lands are situated, to be commissioners to appraise said lands, and the damages the owner or owners shall sustain by reason of their appropriation to the uses of said company. The said commissioners shall cause due notice, in writing, to be served on said owner or owners, or in case of absence, to be left at his or their usual place of residence, and also upon the president or one of the directors of the said company, of the time when they will act

in the premises. They shall examine the lands, and may administer oaths, and hear testimony; and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, awarding to the owner or owners what they shall deem to be the full value thereof; as also the damages, if any, they may otherwise sustain from the making and maintaining of said road, and report the same with the testimony taken to said vice-chancellor. He shall examine the said report, and, if required by either, hear the parties in relation thereto, and increase or diminish the damages if he shall be satisfied that injustice has been done. The commissioners shall be allowed two dollars each day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages, and the payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages, and the mode of making it, and all other facts necessary to a compliance with this act; and when the said decree or order shall be recorded in the clerk's office of the said vice-chancellor, the said corporation shall be possessed of all such land or real estate, and may enter upon, and take possession of and use the same for the purposes of said road.

§ 8. In case any married woman, infant, idiot, insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land, the vice-chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident. Rights of
minors, &c.

§ 9. The said corporation is hereby authorized to construct, erect, build, make and use, a single or double railroad or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers and other property shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings necessary for the accommodation of their concerns. Road how to
be made.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road or way, to inter- Crossing
streams or
roads.

sect or cross any stream of water or water-courses, or any road or highway, or to pass along on the side or margin of said road or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water-course, or road or highway, thus intersected or used, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and maintain sufficient fences upon the sides of the route of their single or double rail-road whenever it is bounded by enclosed lands.

Tolls.

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double rail-road aforesaid, hereby authorized to be constructed, erected, built, made and used.

Penalty.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Calls on stockholders.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments made thereon; and shall give notice of the payments thus required, and of the time and place, when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the county of Orleans and a public newspaper published in the county of Genesee, and in the state paper.

Road may be united with another.

§ 14. It shall be lawful for any rail-road company which may hereafter be incorporated, to join and unite with the rail-road company hereby incorporated, at any point which the directors of the company hereafter to be incorporated may think advisable, on such terms as the directors of the two companies respectively may agree upon: and in case of a disagreement between the directors of the said companies, then upon such terms as the chancellor of this state shall determine to be equitable and just between the said companies.

§ 15. The directors of said company shall make an annual report in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company, for repairs or otherwise, for the purposes of said rail-road. Annual report.

§ 16. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of the said rail-road, with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of ten per cent per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. State may purchase road.

§ 17. The canal commissioners are hereby invested with a general and supervisory power over so much of any rail-road as passes over any canal or feeder belonging to this state, or approaches within ten rods of such canal or feeder, so far as such power may be necessary to preserve the free and perfect use of the canals or feeders of this state, and necessary for making any repairs, improvements or alterations in the same: and said company shall not construct their rail-road over or at any place within ten rods of any canal or feeder belonging to this state, unless said company shall lay before the commissioners aforesaid, a map, plan and profile, as well of the canal or feeder as of the route designated for their rail-road, exhibiting distinctly and accurately the relation of each to the other, at all the places within the limits of ten rods as aforesaid; and shall thereupon obtain the written permission of said canal commissioners, with such conditions, instructions and limitations as, in the judgment of said canal commissioners, the free and perfect use of any such canal or feeder may require. Power of canal commissioners.

§ 18. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the Revised Statutes, as are not hereby repealed. General powers.

Right to re-
peal.

§ 19. The legislature may at any time alter, modify or repeal this act.

CHAP. 277.

AN ACT to authorize the trustees of school district number three, in the town of Chenango, in the county of Broome, to sell and convey their school lot.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Lot may be
sold.

§ 1. Silas West, Abial C. Canoll and Daniel S. Dickinson, trustees of school district number three, in the town of Chenango, in the county of Broome, or any two of them, are hereby authorized to sell and convey in fee simple, and give possession of the lot of land belonging to and occupied by said district as a school-house lot; provided, and upon this condition, that a resolution approving and sanctioning such sale shall be passed at the annual or any special school district meeting called and constituted according to law in and for said school district number three.

In whole or
part.

§ 2. Such sale shall be made in the time and manner the said school district meeting may by resolution direct, and may be in whole or in part upon a credit to the purchaser or purchasers, with such security as the said trustees shall approve; and at such sale the said trustees, or either of them, or any other person or persons may become the purchaser or purchasers, and the avails of the said sale shall be applied for the use of said district, as they by a vote shall direct, for school purposes.

Act to take
effect.

§ 3. This act shall take effect immediately after its passage.

CHAP. 278.

AN ACT *authorizing the supervisors of Ulster county to raise money to build a bridge over the Rondout creek at Rosendale.*

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The board of supervisors of the county of Ulster are hereby authorized and required at their next annual meeting to cause to be levied, collected and paid to the treasurer of said county, in the same manner as other contingent charges of the county are by law directed to be levied, collected and paid, the sum of fifteen hundred dollars, together with collector's and treasurer's fees thereon, for the purpose of rebuilding the bridge over the Rondout creek, at Rosendale, in the town of Marbletown, which said sum of fifteen hundred dollars, when collected and paid to the county treasurer, shall be subject to the order of the board of supervisors, for the purpose aforesaid.

Money to be raised by tax.

§ 2. The said bridge shall be built under the direction of said board of supervisors, and they are hereby authorized to appoint some person or persons to superintend the building of said bridge, and to allow to them such compensation for their services as they shall deem equitable.

Bridge how to be built.

§ 3. It shall be the duty of the treasurer of said county of Ulster, to pay on the warrant of the supervisors, to such person or persons as they shall appoint to receive the same, all moneys which may come to his hands by virtue of this act.

Duty of county treasurer.

CHAP. 279.

AN ACT *amending an act authorizing the commissioners of highways of the towns of Watertown and Pamela, in the county of Jefferson, to borrow money.*

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The determination as to the propriety and amount of loans authorized by the act hereby amended, required by the fifth section of said act, if not made by the towns of Pamela and Watertown, at their last annual town

meetings, may be made at a special town meeting of either of said towns, called for that purpose by the town clerk, on the written request of twelve freeholders of the town. The clerk so calling said special town meeting shall specify in the notice of such meeting, the object of said meeting.

CHAP. 280.

AN ACT *confirming the official acts of justices of the peace in certain cases.*

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

*Acts confirm-
ed.*

§ 1. All proceedings which have been had before any person, who shall have been duly elected a justice of the peace at an annual town meeting in the year one thousand eight hundred and thirty-three, and who was eligible to the office, and who shall have taken the oath of office before the proper officer, at any time after the first day of January, one thousand eight hundred and thirty-four, and previous to the passage of this act, and who was at the time of his said election an acting justice of the peace duly elected and sworn, shall be held and adjudged to be of the same force, effect and validity, as if such justice had taken such oath within the time prescribed by law.

*Forfeitures
remitted.*

§ 2. All liabilities and forfeitures incurred by any such justice for having executed any of the duties or functions of such office, or after the said first day of January, are hereby remitted.

*Saving
clause.*

§ 3. The passage of this act shall not impair or affect any suit or legal proceedings that may have been had or commenced in consequence of the invalidity of any such proceedings before such justice of the peace.

*Act to take
effect.*

§ 4. This act shall take effect immediately on its passage.

CHAP. 281.

AN ACT *to provide for the public security.*

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Any person who shall hereafter be convicted of forcibly entering any arsenal, armory or arsenal yard, and of seizing, taking and carrying away any arms or ammunition belonging to this state, or of entering such arsenal, armory or arsenal yard with the intention of seizing, taking and carrying away any arms or ammunition belonging to the people of this state, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one thousand dollars, or by imprisonment in the jail of the county where the conviction shall be had, for a time not exceeding one year, or both, in the discretion of the court before which such conviction shall be had.

CHAP. 282.

AN ACT *to revive and confirm the act entitled "An act to incorporate the Manheim bridge company," and to amend the same.*

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The act entitled "An act to incorporate the Manheim bridge company," passed April 15, 1828, is hereby revived and confirmed.

§ 2. Jeremiah Drake, John Holmes and John Dygert, shall be commissioners instead of those appointed in the act hereby revived and confirmed; who shall, within six months from the passing of this act, proceed to open books to receive subscriptions according to the provisions of said act.

CHAP. 283.

AN ACT to incorporate the Seneca bridge company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation
created.

§ 1. All persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of "The Seneca Bridge Company," for the term of twenty years and no longer.

Stock.

§ 2. The capital stock of the said corporation shall be divided into five hundred shares of ten dollars each. David Ward, Phineas F. Wilson and Abner Holister, shall be commissioners to open the books for receiving subscriptions to the capital stock of said corporation. The said books shall be opened on or before the first day of June next; and each of the said commissioners may receive subscriptions: and on subscribing there shall be paid two dollars on each share subscribed.

Meeting to
choose di-
rectors.

§ 3. Whenever two hundred and seventy-five shares of the stock of the said corporation shall be subscribed, the commissioners shall cause to be given to each stockholder at least ten days' notice of the time and place of meeting of said stockholders to choose directors. At the time and place appointed, the stockholders shall choose nine directors, being stockholders of the said corporation.

Subscriptions
to stock.

§ 4. The directors may continue to receive subscriptions to the stock of said company, until five hundred shares shall be subscribed.

Calls on
stockholders.

§ 5. The directors may demand from the said stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, under the penalty of forfeiting their respective shares, and all previous payments thereon, to the said president, directors and company, not impairing the right of enforcing payment of such subscriptions by process of law. The said corporation may erect a bridge across the Seneca river, commencing on the north side of said river, on lot number forty-three, in Cato, (formerly Brutus,) near the house of David Ward, running south across said river to the south bank, in the place of the former bridge, as shall be found most advisable by the president and directors of said company.

Land to be
entered upon.

§ 6. The president and directors, or other persons employed by them, may enter upon and take possession of the land on each side of the river where said bridge shall

be erected; and the said corporation, on taking possession of any such land, and on receiving a conveyance thereof, shall pay the owner or owners the value of so much of the same as may be necessary for making and erecting said bridge, and establishing a gate and toll-house, and all other works to the said bridge: and in case of disagreement between the said parties as to such value, the same shall and may be ascertained by three freeholders of the county of Cayuga, who shall be sworn to make a just valuation; who shall be appointed by the judges of the court of common pleas, or any two of them not interested therein, on application from the said president and directors to them for such appointment.

§ 7. Whenever the said bridge shall be completed, and the facts certified by one of the judges of the county of Cayuga, the said corporation may erect a gate, and demand and receive a toll not exceeding the following rates: for every wagon, cart or other carriage drawn by two horses, oxen or mules, twelve and a half cents, and for every additional horse, ox or mule, three cents; and for every wagon, cart or other carriage drawn by one horse, ox or mule, six cents; for every sleigh or sled drawn by two horses, oxen or mules, six cents; for every sleigh or sled drawn by one horse, ox or mule, four cents; for every horse and rider, four cents; for every horse, mule or jack, led or driven, three cents; for every score of cattle, horses or mules, twelve and a half cents; for every score of sheep or hogs, six cents; for every person on foot, two cents. Rates of toll.

§ 8. If any person shall wilfully impair or injure the said bridge, he shall forfeit and pay to the said corporation treble the amount of damages sustained, with costs of suit, to be recovered in an action of trespass. Penalty

§ 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to said corporation eight times the amount of the legal toll, to be recovered by action of debt, with costs of suit. Forfeiture.

§ 10. If any toll-gatherer shall unreasonably delay or hinder any passenger at the gate, or shall demand or receive more than the legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs, to the use of the person so unreasonably delayed, hindered or defrauded.

§ 11. The shares of the stockholders of the said corporation shall be considered personal estate, and shall and may be transferred as such. Transfer.

Restriction.

§ 12. It shall not be lawful for any person to erect a bridge or keep a ferry across the said river, within one mile of said bridge, at any time when it shall be in a safe state. The said bridge shall be built not less than eighteen feet wide, and shall be well secured by a railing on each side not less than three feet high. It shall not be lawful for any person or persons to ride or drive over said bridge faster than on a walk; nor shall it be lawful for any driver to drive more than twenty head of cattle on said bridge at a time, on penalty of forfeiting for every such offence, not less than one dollar, to be recovered with costs of suit, in the name of the treasurer, for the use of said corporation. If the said bridge shall not be constructed within two years from the passing of this act, or if the same shall be carried away or destroyed, and not rebuilt within eighteen months thereafter, then the said corporation shall from thenceforth cease, and this act be null and void.

Right to repeal.

§ 13. The legislature may at any time alter, modify or repeal this act, or any of its provisions.

CHAP. 284.

AN ACT to repeal the 17th section of the act entitled "*An act relative to the finances of this state, and the duties of the comptroller and the commissioners of the canal fund,*" passed April 26th, 1831.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The 17th section of the act entitled "*An act relative to the finances of this state, and the duties of the comptroller and the commissioners of the canal fund,*" passed April 26th, 1831, is hereby repealed. :

CHAP. 285.

AN ACT to incorporate the Greenwich insurance company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Abraham Van Nest, Isaac L. Varian, Charles Oakley, George Suckley, Samuel Whittemore, William C. Rhinelander, William L. Morris, and all such persons as now are or shall be hereafter associated with them, are hereby declared to be a body corporate, in name and in fact, by the name of "The Greenwich Insurance Company," and to continue for thirty years.

§ 2. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into eight thousand shares of twenty-five dollars each; and it shall not be lawful for the said corporation to commence any business whatever, until the whole amount of the capital stock shall be subscribed and paid, in specie or current bank bills of this state, or secured by the public stocks created by this or any other state, or by the United States, or an incorporated city or bank of this state, which shall be at the time at or above par value in the market.

§ 3. The stock, property and concerns of the said company shall be managed by twenty directors, who shall be stockholders; seven of whom shall constitute a quorum capable of doing business, who shall hold their offices for one year, and until others shall be appointed: which directors shall be appointed on the first Monday in June, at such times and places in the city of New-York, as a majority of the directors shall appoint; of which public notice shall be given in two of the newspapers printed in New-York, at least ten days previous to said election: and such election shall be made by ballot, by a purality of the stockholders present, allowing one vote for every share; and the stockholders not present may vote by proxy, and the votes be given by citizens of the United States inhabiting this state: and the first directors of the said corporation shall be Abraham Van Nest, Charles Oakley, George Suckley, Isaac L. Varian, James N. Wells, Robert Halliday, William L. Morris, William C. Rhinelander, John Delamater, John Milderberget, Anthony A. Jacobus, Jacob Brush, Joseph W. Beadel, John Groshon, Calvin Griswold, Samuel Y. Clark, Nathaniel Jarvis, John R. Satterlee, John Westervelt junior, Clement C. Moore, who shall continue in office until the first Monday of June, in the year one thousand eight hundred

tested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the tenor, intent and meaning of such policies and contracts; and the insured may thereupon, in case of loss arising, maintain an action of debt, covenant, or on the case, against such corporation; and all such policies and contracts may be so made, signed, executed and attested without the presence of a board of directors, by the president, or by a committee of the directors to be appointed for such purposes; and the acts of such president, or such committee, if done under and in conformity to the by-laws of the said corporation, shall be binding and obligatory on such corporation.

Dividends

§ 11. It shall be the duty of the president and directors, on the first Tuesdays of January and July in each and every year, to make a dividend of so much of the profits of the said corporation as to them, or a majority of them, shall appear advisable; and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the said corporation, shall have been added to the capital; and no dividend shall be made of any premium received by the said corporation for any contract of insurance, until the voyage or risk insured be terminated.

Business
when to com-
mence.

§ 12. Before the said corporation shall commence any business, or assume any risk in pursuance of this act, the whole amount of two hundred and fifty thousand dollars shall be paid in specie, or current bank bills, or shall have been secured to be paid, either in the stocks of the United States, or the public stocks of this or any other state, or in the stock of any incorporated bank of this state, which shall be at or above par in the market at the time, or in stocks of the corporation of the city of New-York, or of any other city in this state, or upon bond and mortgage upon unincumbered real estate in this state of the value of thirty per cent more than the amount loaned thereon.

Real estate.

§ 13. Said corporation shall hold no real estate, except such as may be requisite for the convenient transaction of business, or such as may be bona fide mortgaged to the said company by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which it shall have obtained for such debts; and with regard to all such real estate as aforesaid, except such as may be necessary for its immediate accommodation, or such as shall be bona fide mortgaged as aforesaid, the said corporation shall be bound to

dispose of the same respectively, within five years after the acquisition thereof, otherwise the same shall be forfeited, and vested in the people of this state.

§ 14. If the said corporation shall, at any time during the term for which the same is hereby granted and created, wilfully neglect or refuse to pay, or cause to be paid, in fifteen days after demand, to the person or persons duly authorized by any law of the state of New-York to receive the same, any tax or taxes, assessments, charges or impositions which shall at any time hereafter be taxed, charged, imposed or assessed upon the said corporation, or upon the capital stock of the same, then and in such case it shall not be lawful for the said corporation, from and after any such wilful neglect or refusal as aforesaid, to enjoy or exercise any of the privileges in and by this act granted; and all the privileges, powers, benefits and advantages in and by this act granted to the said corporation, shall, from and after the time of any such neglect or refusal as aforesaid, absolutely cease, determine, and become null and void. Penalty.

§ 15. It shall be lawful for the directors of the said corporation, for the time being, and at any time after they have commenced business as aforesaid, in case they shall deem it expedient so to do, to choose annually out of their body an assistant or vice-president, giving to such assistant or vice-president such powers as are usual in such cases, or as they may think proper for the lawful interests of the said incorporation; and in case of the death, absence or resignation of said assistant or vice-president, should he be so chosen as aforesaid, the board of directors shall have power to appoint an assistant or vice-president pro tempore, who shall have and exercise such powers and functions as the by-laws of said corporation shall provide. Vice-president.

§ 16. It shall not be lawful for the said corporation to emit or issue any note or notes, bonds, or bills of credit, or to discount any note, bond or bill, or to receive any money on deposit, or to carry on any banking business whatever; but the said corporation may receive by assignment any note, bond or security, as collateral, or for any losses or demand due to the corporation. Restriction.

§ 17. It shall not be lawful for the said corporation to commence any business under this act until the president and secretary of the said company shall have made a deposition, in writing, before the mayor or recorder of the city of New-York, and filed the same in the office of the clerk of the city and county of New-York, that the whole of the capital stock of the said corporation has been paid in, or secured to be paid, according to the provisions of Deposition to be made and filed.

this act; and every wilful false swearing in the premises shall be subject to all the pains and penalties of perjury; and if such affidavit is not filed within one year after the passage of this act, then this act and every thing therein contained shall be void and of no effect.

Statement of
funds.

§ 18. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book to be provided for that purpose, a full and true statement of the funds, property and securities of said corporation, shewing the amount of real estate, in bond and mortgage, in notes and the securities thereof, in public debt or other stock, and the amount of debts due to and from the said company; which statement shall be certified by the president and secretary, and shall be open to the inspection of every stockholder of the said company during the usual hours of business, in the office thereof, until the day of election; and in case the president and secretary shall refuse or neglect to prepare such statement, or to submit the same when required, they and each of them shall forfeit and pay to any person so requiring the inspection of such statements, and being at the time of such neglect or refusal a stockholder of the said company, the sum of five hundred dollars, to be sued for and recovered by such stockholder, to his own use, in any court having jurisdiction to that amount, but such suit shall be commenced within twenty days after the annual election of directors of said company.

Office.

§ 19. The office for the transaction of business of said company shall be located in the city of New-York, and not elsewhere.

General
provisions.

§ 20. The corporation created by this act shall be subject to the operations of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Examination
by chancellor.

§ 21. It shall be lawful for the chancellor, or vice-chancellor of the first circuit, whenever it shall appear proper, to cause the affairs and situation of said company to be examined into and reported to said chancellor or vice-chancellor, by a master in chancery, or such other person as the said chancellor or vice-chancellor shall appoint, the expense whereof shall be determined by said chancellor or vice-chancellor, who, in his discretion, may direct such expense to be paid by the company; but the provisions of this section shall not apply to any case of a complaint of any individual who is not a stockholder.

§ 22. The person thus appointed to make such examination shall have power to examine, under oath, the president and secretary or other officers of said company, and the books, papers and vouchers thereof, in such manner as will best advance the purpose of such investigation. Under oath.

§ 23. If upon such investigation it shall appear that the said company have, in any respect, exceeded the powers hereby granted, or violated the provisions of this act, it shall be the duty of the chancellor or vice-chancellor to exercise towards said company the same powers and authority as are now by law conferred on the chancellor in regard to banking incorporations. Powers of chancellor.

§ 24. The legislature may at any time hereafter alter, modify or repeal this act. Right to repeal.

CHAP. 289.

AN ACT concerning the First Christian Party of Oneida Indians.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be the duty of the treasurer to pay annually, upon the warrant of the comptroller, to be drawn for that purpose, to that part of the First Christian Party of Oneida Indians residing in this state, in addition to the annuity now payable to them, the annual interest of the sum which, at the time such annuity becomes payable, may remain owing to said party, out of the fund retained and set apart by law to defray the expenses of the migration of said party to Green-Bay. In making the payment under this act, interest shall be computed equitably, and allowed from the time of the release of the lands of the Indians to the state.

the said justice shall preside at such meeting, and declare the several persons having a majority of votes duly chosen as trustees: and on every last Monday of May thereafter, there shall, in like manner, be a new election of trustees for said village; and the trustees for the time being shall preside at such election, and shall in like manner give notice of the time and place of holding the same.

Corporation
created.

§ 2. The freeholders and inhabitants aforesaid, are hereby constituted a body politic and corporate, by the name of "The Trustees and Inhabitants of the Village of Clarkville;" and by that name may purchase, hold and convey any real estate for the public use of said village, and may erect any public buildings, aqueducts, and dig any reservoirs for water for the use of said village, and keep in repair such buildings, aqueducts and reservoirs; and purchase and keep in repair fire engines, ladders, buckets, and other instruments for extinguishing fire; and make a reasonable compensation to the officers of the corporation, and to make any necessary repairs or improvements in said village; prevent and remove nuisances; and raise money by tax for the above purposes; which money so raised shall be assessed upon the freeholders and inhabitants of said village, in proportion to the relative value of their property therein, to be assessed by three judicious assessors, to be chosen from among the freeholders in said village at the regular annual meeting, and collected by a collector to be appointed by the trustees aforesaid for the time being, in like manner as the taxes of towns and counties are collected by virtue of a warrant to him directed by a majority of the trustees; but no taxes shall be levied, or moneys assessed, raised or collected for the purpose aforesaid, nor any purchase or sale of any real estate be made, or public buildings erected or disposed of, without the consent of the freeholders and inhabitants aforesaid, who shall attend at a public meeting duly notified by the trustees as aforesaid; and every assessment made for the raising, levelling or repairing any streets, alleys or highways, shall be assessed on and collected from the real estate in said village, in proportion to its relative value, and the advantages to be derived from such improvement. That it shall be lawful for the freeholders and inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, in order that the assessors may have regard thereto in assessing the same upon the respective freeholders and inhabitants of said village: if any person shall conceive himself, or herself, aggrieved by any such assessment, it shall be law-

ful for such person to appeal from the said assessment to the trustees of said village, at any time within ten days after such assessment shall be made, and public notice thereof, given by the said assessors; and the person appealing shall give notice of said appeal to the said assessors and to the said trustees. The said trustees shall, on receiving such appeal, hear and decide the same. No person shall be entitled to vote on any proposition for raising any sum of money who is not a taxable inhabitant of the said village.

§ 3. The trustees of the said village, and their successors, may make and publish such ordinances as they from time to time may deem proper, and particularly such as relate to the streets, alleys and highways of the said village, and draining and filling up, repairing, keeping in order, and improving the same; relative to slaughter-houses and nuisances generally; relative to restraining geese, swine or cattle of any kind; relative to the inspection of weights and measures; relative to the keeping and regulating hay-scales; relative to any thing whatsoever that may concern the good government of said village: but no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provision offered for sale. And the said trustees may require the house-holders and occupants of buildings in said village, under suitable penalties, to furnish themselves with fire-buckets, and other necessary utensils for extinguishing fire; and also keep their fire-places and chimneys clean and in good repair.

§ 4. The said trustees, as often as they shall make and publish any ordinance for the purposes aforesaid, may also provide such reasonable fines, penalties and forfeitures of such by-laws, as they may think proper, never exceeding twenty-five dollars for any one offence, to be prosecuted before any justice of the peace of said county by the trustees, to and for the use of said village: and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for such fines, penalties and forfeitures, to declare generally, that the defendant or defendants are indebted to the trustees of the village of Clarkville, in the amount of such fine, penalty or forfeiture, to be paid to the trustees for the time being, when thereunto required; and under such declaration, to give the special matter in evidence: and the freeholders and inhabitants of said village shall be deemed, and are hereby declared, competent to give testimony in any cause wherein the said trustees are a party, notwithstanding the interest they may have as members of said corporation.

Assessor and
treasurer.

§ 5. The freeholders and inhabitants qualified to vote at town meetings shall, in every year at the annual meeting, choose, by a vote of a majority of them, three freeholders; inhabitants of said village, as assessors, and one treasurer.

Collector and
clerk.

§ 6. It shall be the duty of the trustees, and they are hereby authorized to appoint, under the hand of the president and the seal of the corporation, one collector and one clerk; and it shall be the duty of the clerk to keep a faithful record of all the doings of the freeholders and inhabitants of said village at their annual and other legal meetings, in a book to be provided by the trustees for that purpose.

Officers to
take oath.

§ 7. The trustees, assessors and treasurer so to be chosen as aforesaid, and the collector and clerk so to be by the trustees appointed as aforesaid, shall, within ten days after each election and appointment, and before they proceed to the exercise of their several offices, severally take and subscribe an oath or affirmation before a justice of the peace of said village or county, for the faithful performance and execution of the trust or office to which they may be severally chosen, elected or appointed.

President.

§ 8. The trustees, within ten days after their election in every year, shall, and it is hereby made their duty, to assemble in said village, and to choose and appoint some suitable person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meetings of the trustees; to order extraordinary meetings of the trustees whenever he shall think proper; to receive complaints of the violation of any of the by-laws, rules and ordinances of said village, and to prosecute in the name of the trustees, all offenders against the same, and to see that the public property belonging to said village be suitably taken care of and kept in order, and to do such other acts and things as may be proper for him as president of the board of trustees: and in case of the death or disability of such president, the said trustees shall choose out of their body a successor, in manner before mentioned.

Accounts of
expenses.

§ 9. The trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times, open to the inspection of the inhabitants of said village, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury; the treasurer, assessors and clerk shall be paid for their services such suitable compensation as the said trustees, by a by-law of the corporation, shall provide.

§ 10. The collector shall, within such time after the receipt of his warrant for the collection of any tax that may have been ordered to be raised as shall be hereafter directed by the laws of the said corporation, collect and pay over the same to the treasurer; and all moneys at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees, and applied and disposed of as shall have been directed by the inhabitants of said village. Duty of collector.

§ 11. The trustees to be elected by virtue of this act, and the assessors, treasurer, collector and clerk, chosen and appointed, shall hold their respective offices until the next annual election thereafter, and until others are chosen and appointed in their stead and have qualified. Term of office.

§ 12. It shall be the duty of the trustees, and they are hereby empowered to appoint, under the hand of the president and the corporate seal of said village, three fire-wardens, and a company of fifteen firemen, out of the inhabitants of said village, to have the care and management of the fire-engines and implements for extinguishing fires; and the trustees may remove all or any of the wardens or firemen, and appoint others in their stead, as often as they shall think proper. Firemen.

§ 13. If any inhabitant of said village, qualified to vote in relation to the assessments of taxes, shall be chosen a trustee, and having notice of his election, shall neglect or refuse to take upon him the said office, it shall be lawful for the trustees who do accept said office to impose a fine upon any such person so neglecting or refusing, not exceeding five dollars, to be recovered as other fines and penalties are to be recovered by this act, and to the use of the said village. Penalty.

§ 14. The said corporation shall possess the general powers, and be subject to the provisions and liabilities of the third title of chapter eighteen of the first part of the Revised Statutes. General powers.

CHAP. 287.

AN ACT to incorporate the *Payne's bridge company*.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1 All persons who shall become stockholders pursuant to this act, shall be and they are hereby created a Corporation created.

body corporate, by the name of "The Payne's Bridge Company."

Stock.

§ 2. The capital stock of the said corporation shall be two thousand dollars, with the privilege of increasing it to three thousand dollars, to be divided into shares of twenty-five dollars each.

Subscriptions to stock.

§ 3. Luther D. Cook, Marcus B. Osborn, and Charles W. Paine, shall be commissioners to open the books for receiving subscriptions to the capital stock of the said corporation: the said books shall be opened on or before the first day of July next, and each of the said commissioners may receive subscriptions.

Meeting of stockholders.

§ 4. Whenever sixty shares of the stock of the said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in a newspaper printed in the village of Sag-Harbor, giving at least six days notice of the time and place of meeting of the subscribers to choose directors; at the time and place appointed, the stockholders shall choose five directors, being stockholders of the said corporation, a majority of whom shall be competent to transact business. A new election of directors shall be made annually, at such time and place as the stockholders, at their first meeting, shall appoint; the directors chosen at any election, shall, as soon thereafter as may be, choose out of their number one person to be president, and shall also appoint a secretary and a treasurer.

Further subscriptions.

§ 5. The directors may continue to receive subscriptions to the stock of the said company until one hundred and twenty shares shall be subscribed.

Calls on stockholders.

§ 6. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, under the penalty of forfeiting their respective shares and all previous payments thereon.

Bridge how to be built.

§ 7. The said corporation may erect a bridge across the ferry, from Sag-Harbor to Hog-Neck, and as nearly opposite the dwelling-house of Charles W. Paine, on Hog-Neck, as shall be found advisable, together with suitable toll-house or houses, and for that purpose may take and use any land belonging to private individuals, first making full compensation therefor, to the owner or owners thereof, to be ascertained, if the parties cannot agree, by the oath of twelve reputable freeholders, or a majority of them, to be designated by and summoned under the direction of one of the judges of Suffolk county, not of kin to either of the parties, or having any interest in said bridge:

and upon filing a description of said land in the office of the clerk of said county, to be laid out on actual survey and adopted by said jury, and to accompany their report and assessment; and upon the payment or tender to the owner or owners of such money as shall be assessed by the said freeholders, or a majority of them, and either with or without a deed from said owner or owners, the said corporation shall become vested with the fee of the said lands, and may immediately enter upon and take possession thereof.

§ 8. Whenever the said bridge shall be completed and safe for the passage of horses and carriages, the said corporation may demand and receive a toll not exceeding the following rates of toll, to wit: For every carriage, wagon or cart, drawn by two horses or oxen, fifteen cents, and if drawn by four horses or oxen, twenty-two cents; every sled, cart, wagon, truck, sleigh or other carriage, drawn by one horse or other animal, eight cents; every man and horse, six and one-fourth cents; every foot passenger, two cents; every horse, jack, mule or head of neat cattle, one cent; every score of sheep or hogs, ten cents. Rates of toll.

§ 9. If any person shall wilfully impair or injure the said bridge, he shall be liable to pay to said corporation treble the amount of damages sustained, with costs of suit, to be recovered in an action of trespass. Damages.

§ 10. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to said corporation six times the amount of the legal toll, to be recovered by action of debt, with costs of suit. Penalty.

§ 11. The said bridge shall be built not less than fifteen feet wide, and shall be well secured by a railing on each side not less than four feet high. Width of bridge.

§ 12. The legislature may at any time alter, amend or repeal this act. Right to repeal.

CHAP. 288.

AN ACT to incorporate the Sea insurance company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. There shall be established in the city of New-York, Name. a marine insurance company, to be called "The Sea Insurance Company."

Corporation
created.

§ 2. All such persons as shall hereafter be stockholders of said company, shall be and they are hereby declared to be a body corporate and politic, by the name and style of "The Sea Insurance Company," and to continue for thirty years.

Stock.

§ 3. The capital stock of the said corporation shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each: and Isaac Bell, Archibald Gracie, Miles R. Burke, William Beach Lawrence, Archibald Gordon, William Lewis Morris, Richard R. Ward, John L. Norton, Henry Waring, Richard Ray and Edward N. Rogers are hereby appointed commissioners to receive subscriptions to the said capital stock.

Quorum.

§ 4. In case of the death, resignation or absence of any of the commissioners named in this act of incorporation, it shall and may be lawful for any seven of them to form a quorum and proceed to business; whose duties shall be the same in the premises as that prescribed to the whole of said commissioners by this act of incorporation named, and their acts as such shall be legal.

Insurance.

§ 5. The corporation hereby created, shall have power and authority to make marine insurance upon vessels, goods or merchandize, freight, bottomry, respondentia, interest, and all marine risks and inland navigation and transportation; and also to lend money on bottomry and respondentia; and they may also cause themselves to be re-insured against any maritime risks upon which they have made insurances, and upon the interest which they may have in any vessels, goods or merchandize, in virtue of any such loans on bottomry and respondentia.

Directors.

§ 6. The stock and affairs of the said corporation shall be managed and conducted by fifteen directors, each of whom shall be a stockholder to the amount of at least twenty shares, and a resident of the state of New-York; they shall be elected on the first Tuesday in January in each and every year, at such time of the day and at such place in the city of New-York, as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer; and notice of the time and place of such annual election shall be published daily for the space of ten days next preceding the same, in at least two of the public newspapers printed in the city of New-York; and every such election shall be held under the inspection of five or more stockholders in the said corporation, not being directors, to be previously appointed by the board of directors for that purpose, and shall be made by ballot by a plurality of votes of the stock-

holders present, allowing one vote for every share; and stockholders not personally present may vote by proxy, such proxy being granted directly to the person representing them at such election; and the first directors of the said corporation to be Isaac Bell, Archibald Gracie, Miles R. Burke, Peter Stuyvesant, William Fitch, Otto H. Meisegaes, Russel Glover, Archibald Gordon, Joseph Kissam, Henry Waring, Edward N. Rogers, Augustus William Hupeden, John J. Bailey, Edward K. Collins, Henry Dudley, and continue in office for one year from the day on which the said corporation shall commence business; and if the term of one year shall expire previous to the first Tuesday of January, then the said directors shall continue in office until the first Tuesday of January following, when other directors shall be chosen.

§ 7. The directors herein before named, shall, as soon as may be after the passing of this act, and the directors hereinafter to be chosen at every annual election, shall, as soon as may be after such election, proceed to choose out of their body a president, which president shall preside until the next annual election, or until another president be chosen; or in case of the death or resignation of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors: and in case of the absence of the president, the board of directors shall have power to appoint a president pro tem, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. President.

§ 8. The corporation shall not cease by reason of not holding any annual election on the day designated; but it shall be lawful on any other day to hold and make an election for directors, as shall be provided for by the by-laws of said corporation. Elections.

§ 9. The commissioners herein before named, shall open a subscription book for the said stock, on such day or days, and at such place or places in the city of New-York, as they shall appoint, and shall give at least two weeks previous notice of such time and place, (daily,) in one or more daily newspapers in the city of New-York: and five dollars on each share subscribed, shall be paid to the commissioners at the time of such subscription. Subscriptions to stock.

§ 10. All policies of insurance, and other contracts which are authorized by this act, which shall be made or entered into by the said corporation, may be either under or without the seal thereof, and shall be subscribed by the president, or such other officer as shall be designated for that purpose by the by-laws of said corporation, and at- Policies of insurance.

tested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the tenor, intent and meaning of such policies and contracts; and the insured may thereupon, in case of loss arising, maintain an action of debt, covenant, or on the case, against such corporation; and all such policies and contracts may be so made, signed, executed and attested without the presence of a board of directors, by the president, or by a committee of the directors to be appointed for such purposes; and the acts of such president, or such committee, if done under and in conformity to the by-laws of the said corporation, shall be binding and obligatory on such corporation.

Dividends

§ 11. It shall be the duty of the president and directors, on the first Tuesdays of January and July in each and every year, to make a dividend of so much of the profits of the said corporation as to them, or a majority of them, shall appear advisable; and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the said corporation, shall have been added to the capital; and no dividend shall be made of any premium received by the said corporation for any contract of insurance, until the voyage or risk insured be terminated.

Business
when to com-
mence.

§ 12. Before the said corporation shall commence any business, or assume any risk in pursuance of this act, the whole amount of two hundred and fifty thousand dollars shall be paid in specie, or current bank bills, or shall have been secured to be paid, either in the stocks of the United States, or the public stocks of this or any other state, or in the stock of any incorporated bank of this state, which shall be at or above par in the market at the time, or in stocks of the corporation of the city of New-York, or of any other city in this state, or upon bond and mortgage upon unincumbered real estate in this state of the value of thirty per cent more than the amount loaned thereon.

Real estate.

§ 13. Said corporation shall hold no real estate, except such as may be requisite for the convenient transaction of business, or such as may be bona fide mortgaged to the said company by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which it shall have obtained for such debts; and with regard to all such real estate as aforesaid, except such as may be necessary for its immediate accommodation, or such as shall be bona fide mortgaged as aforesaid, the said corporation shall be bound to

dispose of the same respectively, within five years after the acquisition thereof, otherwise the same shall be forfeited, and vested in the people of this state.

§ 14. If the said corporation shall, at any time during the term for which the same is hereby granted and created, wilfully neglect or refuse to pay, or cause to be paid, in fifteen days after demand, to the person or persons duly authorized by any law of the state of New-York to receive the same, any tax or taxes, assessments, charges or impositions which shall at any time hereafter be taxed, charged, imposed or assessed upon the said corporation, or upon the capital stock of the same, then and in such case it shall not be lawful for the said corporation, from and after any such wilful neglect or refusal as aforesaid, to enjoy or exercise any of the privileges in and by this act granted; and all the privileges, powers, benefits and advantages in and by this act granted to the said corporation, shall, from and after the time of any such neglect or refusal as aforesaid, absolutely cease, determine, and become null and void. Penalty.

§ 15. It shall be lawful for the directors of the said corporation, for the time being, and at any time after they have commenced business as aforesaid, in case they shall deem it expedient so to do, to choose annually out of their body an assistant or vice-president, giving to such assistant or vice-president such powers as are usual in such cases, or as they may think proper for the lawful interests of the said incorporation; and in case of the death, absence or resignation of said assistant or vice-president, should he be so chosen as aforesaid, the board of directors shall have power to appoint an assistant or vice-president pro tempore, who shall have and exercise such powers and functions as the by-laws of said corporation shall provide. Vice-president.

§ 16. It shall not be lawful for the said corporation to emit or issue any note or notes, bonds, or bills of credit, or to discount any note, bond or bill, or to receive any money on deposit, or to carry on any banking business whatever; but the said corporation may receive by assignment any note, bond or security, as collateral, or for any losses or demand due to the corporation. Restriction.

§ 17. It shall not be lawful for the said corporation to commence any business under this act until the president and secretary of the said company shall have made a deposition, in writing, before the mayor or recorder of the city of New-York, and filed the same in the office of the clerk of the city and county of New-York, that the whole of the capital stock of the said corporation has been paid in, or secured to be paid, according to the provisions of Deposition to be made and filed.

this act; and every wilful false swearing in the premises shall be subject to all the pains and penalties of perjury; and if such affidavit is not filed within one year after the passage of this act, then this act and every thing therein contained shall be void and of no effect.

Statement of
funds.

§ 18. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book to be provided for that purpose, a full and true statement of the funds, property and securities of said corporation, shewing the amount of real estate, in bond and mortgage, in notes and the securities thereof, in public debt or other stock, and the amount of debts due to and from the said company; which statement shall be certified by the president and secretary, and shall be open to the inspection of every stockholder of the said company during the usual hours of business, in the office thereof, until the day of election; and in case the president and secretary shall refuse or neglect to prepare such statement, or to submit the same when required, they and each of them shall forfeit and pay to any person so requiring the inspection of such statements, and being at the time of such neglect or refusal a stockholder of the said company, the sum of five hundred dollars, to be sued for and recovered by such stockholder, to his own use, in any court having jurisdiction to that amount, but such suit shall be commenced within twenty days after the annual election of directors of said company.

Office.

§ 19. The office for the transaction of business of said company shall be located in the city of New-York, and not elsewhere.

General
provisions.

§ 20. The corporation created by this act shall be subject to the operations of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Examination
by chancellor.

§ 21. It shall be lawful for the chancellor, or vice-chancellor of the first circuit, whenever it shall appear proper, to cause the affairs and situation of said company to be examined into and reported to said chancellor or vice-chancellor, by a master in chancery, or such other person as the said chancellor or vice-chancellor shall appoint, the expense whereof shall be determined by said chancellor or vice-chancellor, who, in his discretion, may direct such expense to be paid by the company; but the provisions of this section shall not apply to any case of a complaint of any individual who is not a stockholder.

§ 22. The person thus appointed to make such examination shall have power to examine, under oath, the president and secretary or other officers of said company, and the books, papers and vouchers thereof, in such manner as will best advance the purpose of such investigation. Under oath.

§ 23. If upon such investigation it shall appear that the said company have, in any respect, exceeded the powers hereby granted, or violated the provisions of this act, it shall be the duty of the chancellor or vice-chancellor to exercise towards said company the same powers and authority as are now by law conferred on the chancellor in regard to banking incorporations. Powers of chancellor.

§ 24. The legislature may at any time hereafter alter, modify or repeal this act. Right to repeal.

CHAP. 289.

AN ACT concerning the First Christian Party of Oneida Indians.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be the duty of the treasurer to pay annually, upon the warrant of the comptroller, to be drawn for that purpose, to that part of the First Christian Party of Oneida Indians residing in this state, in addition to the annuity now payable to them, the annual interest of the sum which, at the time such annuity becomes payable, may remain owing to said party, out of the fund retained and set apart by law to defray the expenses of the migration of said party to Green-Bay. In making the payment under this act, interest shall be computed equitably, and allowed from the time of the release of the lands of the Indians to the state.

CHAP. 290.

AN ACT to incorporate the Saratoga county mutual fire insurance company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Corporation
created.

§ 1. Peter V. Wiggins, Isaac Taylor, Philo R. Waterbury, Washington Putman, John A. Waterbury, Miles Beach, Gardiner Bullard junior, Lewis Putman, George W. Wilson, John R. Wilkins, William R. Martin, Gardner Warren, Lewis P. Close, Robert McDonnell Jesse Morgan and Ransom Cook, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of the "Saratoga County Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling-houses, stores, shops and other buildings, household furniture and merchandize, against loss or damage by fire.

Members.

§ 2. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators and assigns continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

Directors.

§ 3. The affairs of said company shall be managed by a board of directors, which shall consist of thirteen stockholders as hereinafter provided. All vacancies happening in said board may be filled by the remaining members, and a majority of the whole number shall constitute a quorum for the transaction of business.

Policies.

§ 4. Every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, deposite his promissory note for such sum of money as shall be determined by the directors, a part, not exceeding ten per cent, of which said note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the remainder of said note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof.

§ 5. Every member of said company shall pay his proportion of all losses or expenses happening or accruing in and to said company, and all buildings insured by and with said company, together with the right, title and interest of the assured to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his policy. The said company shall cause a certificate of such policy, stating the date, term of years and lien on said estate, in such forms as shall be provided by the directors, to be recorded in the county clerk's office in which said land lies, or said lien shall not be construed to affect the right of a subsequent purchaser of said real estate.

§ 6. In case of any loss or damage by fire happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for loss or damage, at the next court to be holden in and for the county of Saratoga, and not afterwards, unless said court shall be holden within sixty days after said determination; but if holden within that time, then at the next court holden in said county thereafter; and if upon the trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said company shall recover their costs: but the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid; execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

§ 7. The directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective portions of

such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may hereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

To be proportioned among the members.

§ 8. If the whole amount of the deposit notes shall be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; and in addition thereto, a sum to be assessed on all the members of said company, not exceeding one dollar on every hundred dollars by them respectively insured; and the said members shall never be required to pay for any loss occasioned by fire, at any one time, more than one dollar on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note, and surrendering his policy, before any subsequent loss or expense has accrued, may be discharged from said company.

Insurance may be made for ten years.

§ 9. The said company may make insurance for any term not exceeding ten years; and any policy of insurance issued by said company, signed by the president, and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured, and the incumbrances on the premises be expressed therein, and in the application therefor.

Policy when to be surrendered.

§ 10. When any house or other building shall be aliened, by sale or otherwise, the policy shall thereupon be

void, and be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposit note, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender. But the grantee or alienee, having the policy assigned to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note, as shall remain unpaid, shall be entitled to all the rights and privileges, and subject to all the liabilities of the original party insured.

§ 11. If any alteration shall have been made in any house or building by the proprietor thereof, after insurance with said company, whereby it may be exposed to greater risk or hazard from fire than it was when insured, the insurance made upon such house or building shall be void, unless an additional premium or deposit, after such alteration, be settled with and paid to the directors. In case of alteration.

§ 12. Oliver Raymond, Ransom Cook, Washington Putman, Peter V. Wiggins, John A. Waterbury, Isaac Frink, Gideon M. Davison, Eli Holbrook, Robert McDonnell, James C. Brisban, Beriah P. Rogers, George Reynolds and Ephraim Stevens, shall be the first directors of said company, who may call the first meeting of the directors of said company, at any time and place at Saratoga Springs aforesaid, by advertisement in the newspaper of said village, giving at least fifteen days notice. First directors.

§ 13. The business of the said corporation shall be carried on in the village of Saratoga Springs. The legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 291.

AN ACT to incorporate the Warsaw and Le Roy rail-road company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Samuel McWhorter, John A. McElwain, Heman J. Redfield, Jacob Le Roy, Seth M. Gates, John B. Skinner, William Patterson, John Wilder and Augustus Frank, and such other persons as shall associate with them for that purpose, shall be and they are hereby constituted a Corporation created.

body politic and corporate, by the name of "The Warsaw and Le Roy Rail-Road Company," with power to construct a single or double rail-road, commencing at any eligible point in the village of Warsaw, in the county of Genesee, and extending on the most direct and eligible route down the valley of Allen's creek to the village of Le Roy, in said county, or by any other eligible route, to the Tonnawanda rail-road, so as to intersect it; and on such route, as the majority of the directors of said company shall determine, to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence the construction of said rail-road or ways, and expend at least the sum of twenty-five thousand dollars thereon, and shall not within five years from the passage of this act, construct, finish and put in operation the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and be transferable in such manner as the said corporation shall by by-laws direct.

*Subscriptions
to stock.*

§ 4. Samuel McWhorter, John A. McElwain, Heman J. Redfield, Jacob Le Roy, Seth M. Gates, John B. Skinner, William Patterson, John Wilder and Augustus Frank, shall be commissioners; whose duty it shall be, within one year from the passage of this act, at some suitable place in the villages of Warsaw and Le Roy, and in such other places as they or a majority of them shall direct, to open books to receive subscriptions to the capital stock of the said corporation; and thirty days' public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one of the public newspapers in the county of Genesee; and the said commissioners shall, at the time of any subscription by any person or persons, for the capital stock of said corporation, require the payment to them by the person or persons subscribing, of ten dollars towards and upon every hundred dollars so subscribed; and unless the same shall be paid, the subscription shall be invalid: And in case a greater amount of capital stock shall be subscribed for than the sum of one hundred thousand dollars, the said

commissioners shall distribute the stock, in such manner as a majority of them shall deem most advantageous to the interests of the said corporation; but in case the capital stock of said corporation shall not all be subscribed for, then the said commissioners shall be authorized to reopen the said books, at such other time and places, and in such manner, and after such notice, as they, or a majority of them, shall direct; and whenever the said capital stock shall have been subscribed, and distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days' notice, in a public newspaper in the county aforesaid, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose nine directors: and such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling a stockholder to one vote: And the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and books to the said directors: and the time and place of holding the first meeting of the directors shall be fixed by the said commissioners. And the said directors shall cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road, from the village of Warsaw to the village of Le Roy, or to the Tonnawanda rail-road; and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of the county aforesaid, which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road, as hereinafter mentioned.

§ 5. The first directors to be chosen shall hold their Directors. offices until the first Monday in June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in the county aforesaid, as the said directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Eve-

ry such election shall be held under the inspection of five stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board: every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him thirty days previous to such election.

Election.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

Real estate.

§ 7. The corporation is hereby empowered to purchase and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted; and may, by their agents, surveyors and engineers, enter upon and take possession of and use, as such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations required and appertaining thereto; and may also receive, hold and take such voluntary grants and donations of land and real estate for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of disagreement as to price, and before making any portion of said road on said land, the said corporation may apply by petition to the vice-chancellor of the eighth circuit, setting forth therein the necessity of such lands for making said rail-road, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reasons why the purchase cannot be made. And the vice-chancellor to whom such petition shall be presented, shall direct such notice to the owner or owners of such lands, as he shall deem proper and reasonable, of the time and place of hearing the parties; and upon proof of due service of such notice, and upon hearing the parties, he shall appoint three competent and disinterested freeholders of the county in which the lands are situated, to

commissioners shall distribute the stock, in such manner as a majority of them shall deem most advantageous to the interests of the said corporation; but in case the capital stock of said corporation shall not all be subscribed for, then the said commissioners shall be authorized to re-open the said books, at such other time and places, and in such manner, and after such notice, as they, or a majority of them, shall direct; and whenever the said capital stock shall have been subscribed, and distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days' notice, in a public newspaper in the county aforesaid, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose nine directors: and such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling a stockholder to one vote: And the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and books to the said directors: and the time and place of holding the first meeting of the directors shall be fixed by the said commissioners. And the said directors shall cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road, from the village of Warsaw to the village of Le Roy, or to the Tonnawanda rail-road; and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of the county aforesaid, which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road, as hereinafter mentioned.

§ 5. The first directors to be chosen shall hold their offices until the first Monday in June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in the county aforesaid, as the said directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Eve- Directors.

ry such election shall be held under the inspection of five stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board: every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him thirty days previous to such election.

Election.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

Real estate.

§ 7. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted; and may, by their agents, surveyors and engineers, enter upon and take possession of and use, all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of disagreement as to price, and before making any portion of said road on said land, the said corporation may apply by petition to the vice-chancellor of the eighth circuit, setting forth therein the necessity of such lands for making said rail-road, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reasons why the purchase cannot be made. And the vice-chancellor to whom such petition shall be presented, shall direct such notice to the owner or owners of such lands, as he shall deem proper and reasonable, of the time and place of hearing the parties; and upon proof of due service of such notice, and upon hearing the parties, he shall appoint three competent and disinterested freeholders of the county in which the lands are situated, to

be commissioners to appraise said lands, and the damages the owner or owners thereof shall sustain by reason of their appropriation to the uses of said company. The said commissioners shall cause due notice, in writing, to be served on said owner or owners, or in case of absence, to be left at his or their usual place of residence, of the time when they will act in the premises. They shall examine the lands; may administer oaths, and hear testimony, and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, awarding to the owner or owners thereof what they shall deem to be the full value thereof; as also the damages, if any, they may otherwise sustain from the making and maintaining of said road, and report the same, with the testimony taken, to said vice-chancellor. He shall examine the said report, and if required by either, hear the parties in relation thereto, and increase or diminish the damages if he shall be satisfied that injustice has been done. The commissioners shall be allowed two dollars for each day they may be occupied in such appraisement. Upon proof to the vice-chancellor, to be made within thirty days after determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated bank as the vice-chancellor shall direct, of the amount of said damages, and the payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this act; and when the said order or decree shall be recorded in the office of the clerk of the county in which said lands are situated, whose duty it shall be to record the same, receiving the usual fees for recording, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

§ 8. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the chancellor or vice-chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Rights of infants, &c.

§ 9. The said corporation is hereby authorized to construct, erect, build, make and use, a single or double railroad or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or

Road how to be constructed.

way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings for the accommodation of their concerns, as shall be necessary.

Crossing
streams or
roads.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water-courses, or any road or highway, being betwixt the places prescribed by the first and fourth sections of this act, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water-course, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Tolls.

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double rail-road aforesaid, hereby authorized to be constructed.

Penalty.

§ 12. If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Calls on
stockholders.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in the paper published in a newspaper in the county herein mentioned.

General pow-
ers.

§ 14. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

§ 15. It shall be lawful for any rail-road company, which has been or may hereafter be incorporated, to join and unite with the rail-road company hereby incorporated, at any point which the directors of the said company may think advisable, on such terms as the directors of the two companies respectively may agree upon; and in case of a disagreement between the directors of the said companies, then upon such terms as the chancellor of this state shall determine to be equitable and just between the said companies.

§ 16. The legislature may at any time alter, modify or repeal this act.

CHAP. 292.

AN ACT to incorporate the Castleton and West Stockbridge rail-road company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Jeremiah Gage, James L. Hogeboom, Abiel Buckman, John E. Stearns, John I. Schermerhorn, Jacob A. Ten Eyck, Sylvester Van Valkenburgh, Edward Door junior, Joseph Colman, Ebenezer Crocker, Peter Grote, William Cevill, James Hogeboom, and their associates, are hereby constituted a body politic and corporate by the name of the "Castleton and West Stockbridge Rail-Road Company," for the purpose of constructing a single or double rail-road or way from any part of the village of Castleton to the state line near the village of West Stockbridge, in the state of Massachusetts, to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

§ 2. If the said corporation hereby created shall not, within two years from the passage of this act, commence the construction of said rail-road or ways, and expend at least the sum of twenty-five thousand dollars thereon, and shall not within five years from the passage of this act, construct, finish and put in operation the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall be three hundred thousand dollars, which shall be divided

into shares of one hundred dollars each; which shall be deemed personal property, and be transferable in such manner as the said corporation shall by by-laws direct.

Subscriptions
to stock.

§ 4. John Stearns, Roswell B. Frisbee, David W. Patterson, Nathan Wilds, Larance C. Hogeboom, Gideon Lee, James Miller, John Townsend, Welcome Esleeck, John I. Schermerhorn, Jacob A. Ten Eyck, shall be commissioners; whose duty it shall be, within one year from the passage of this act, at some suitable place in the city of New-York or the city of Albany, and in such other places as they or a majority of them shall direct, to open books to receive subscriptions to the capital stock of the said corporation; and thirty days' public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one of the public newspapers in each of the said cities, and any other place or places designated by said commissioners; and the said commissioners shall, at the time of any subscription by any person or persons, for the capital stock of said corporation, require the payment to them by the person or persons subscribing, of ten dollars towards and upon every hundred dollars so subscribed; and unless the same shall be paid, the subscription shall be invalid: and in case a greater amount of capital stock shall be subscribed for than the sum of three hundred thousand dollars, the said commissioners shall distribute the stock in such manner as a majority of them shall deem most advantageous to the interests of the said corporation; but if the capital stock of said corporation shall not all be subscribed for, then the said commissioners shall be authorized to reopen the said books, at such other time and places, and in such manner, and after such notice, as they, or a majority of them, shall direct; and whenever the said capital stock shall have been subscribed, and distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days' notice, in a public newspaper in each of the cities aforesaid, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose nine directors: and such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote: and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and the books to the said directors: and the time and place of

holding the first meeting of the directors shall be fixed by the said commissioners. And the said directors shall cause such examinations and surveys of the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road, from any point in the village of Castleton, to the state line near the village of West Stockbridge; and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they shall deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of each of the counties aforesaid, which line, course or way, so selected and certified, shall be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the said rail-road as hereinafter mentioned.

§ 5. The first directors to be chosen shall hold their Directors. offices until the first Monday in June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June, in each and every year, at such time and place in either of the cities aforesaid, as the said directors shall appoint, giving thirty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Every such election shall be held under the inspection of five stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. One at least of the said directors shall reside in each of the counties through which the road passes. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board: every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him thirty days previous to such election.

§ 6. In case it should at any time happen that an elec- Election. tion of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

§ 7. The corporation is hereby empowered to purchase, Real estate. receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this in-

corporation is granted; and may, by their agents, surveyors and engineers, enter upon and take possession of and use, all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation may apply by petition to the vice-chancellor of the third circuit, setting forth therein the necessity of such lands for making said rail-road, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reason why the purchase can not be made. And the vice-chancellor to whom such petition shall be presented, shall direct such notice to the owner or owners of such lands as he shall deem proper and reasonable, of the time and place of hearing the parties; and upon proof of due service of such notice, and upon hearing the parties, he shall appoint three competent and disinterested freeholders of the county in which the lands are situated, to be commissioners to appraise said lands, and the damages the owner or owners thereof shall sustain by reason of their appropriation to the uses of said company. The said commissioners shall cause *due notice*, in writing, to be served on said owner or owners, or in case of absence, to be left at his or their usual place of residence, of the time when they will act in the premises. They shall examine the lands; may administer oaths and hear testimony; and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, awarding to the owner or owners thereof what they shall deem to be the full value thereof; as also the damages, if any, they may otherwise sustain from the making and maintaining of said road, and report the same, with the testimony taken, to said vice-chancellor acting in the premises. He shall examine the said report, and, if required by either, hear the parties in relation thereto, and increase or diminish the damages, if he shall be satisfied that injustice has been done. The commissioners shall be allowed two dollars each day for their services. Upon

proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the vice-chancellor shall direct, of the amount of said damages, and the payment of all expenses, the vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisal of damages, and the mode of making it, and all other facts necessary to a compliance with this act; and when the said order or decree shall be recorded in the office of the clerk of the county in which said lands are situated, whose duty it shall be to record the same, receiving the usual fees for recording, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession of and use the same for the purposes of the said road.

§ 8. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the chancellor or vice-chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Rights of
infants, &c.

§ 9. The said corporation is hereby authorized to construct, erect, build, make and use, a single or double rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings for the accommodation of their concerns.

Road how to
be made.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water-courses, or any road or highway, being betwixt the places prescribed by the first and fourth sections of this act, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water-course, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness; and shall moreover erect and maintain sufficient fences upon the sides of the route of their single or double rail-road or ways.

Crossing
streams or
roads.

Tolls.

§ 11. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double railroad or ways aforesaid, hereby authorized to be constructed, erected, built, made and used.

Penalty.

§ 12. If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Calls on stockholders.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the city of New-York, in the paper published by the state printer, and in a newspaper in each of the counties of Rensselaer and Columbia.

General powers.

§ 14. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of the *eighteenth chapter* of the first part of the Revised Statutes, as are not repealed.

Road may be united with another.

§ 15. It shall be lawful for any rail-road company which has been or may hereafter be incorporated, to join and unite with the rail-road company hereby incorporated, at any point which the directors of the said company may think advisable, on such terms as the directors of the two companies respectively may agree upon: and in case of a disagreement between the directors of the said companies, then upon such terms as the chancellor of this state shall determine to be equitable and just between the said companies.

Right to repeal.

§ 16. The legislature may at any time alter, modify or repeal this act.

CHAP. 293.

AN ACT to incorporate the Plattsburgh manufacturing company.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Heman Cady, Samuel Lowell, William Swetland, Amasa C. Moore, St. John B. L. Skinner, Frederick L. C. Saily, William F. Haile, Ephraim Buck and Samuel Hinman, and such other persons as may be associated with them, are hereby constituted a body corporate, by the name of "The Plattsburgh Manufacturing Company," for the purpose of manufacturing cotton and woollen goods and machinery, or either of them separately, in or near the village of Plattsburgh, in the county of Clinton. Corporation created.

§ 2. The capital stock of the corporation shall be fifty thousand dollars, which shall be divided into one thousand shares of fifty dollars each; and the said corporation is hereby authorized to commence and continue its operations under this act, as soon as ten thousand dollars of its capital stock shall have been subscribed and paid. Stock.

§ 3. Subscriptions to the capital stock of said corporation shall be opened under the direction of the trustees hereinafter named; and it shall be the duty of the trustees to call for and demand of the stockholders respectively, all sums of money by them subscribed, at such times and in such proportions as they shall see fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation; always giving thirty days notice, by their clerk or agent, in writing, to each stockholder of such call or demand. Subscription to stock.

§ 4. The stock, property and concerns of the corporation shall be managed by seven trustees, to be chosen annually on the first Tuesday of May in each year, at such place as the trustees for the time being shall direct; and the first election for trustees shall be on the first Tuesday of July next; and Heman Cady, Samuel Lowell, William Swetland, Amasa C. Moore, St. John B. L. Skinner, Frederick L. C. Saily and William F. Haile, shall be the trustees from the time this act shall take effect, and until others are elected in their stead; thirty days previous notice of every election under this act shall be given by the trustees, by publishing the same in one or more of the newspapers printed in the village of Plattsburgh; and such election shall be holden under the inspection of the Directors.

trustees, and shall be by ballot, by a majority of the votes of the stockholders present, either personally or by proxy, allowing one vote for every share.

Transferr. § 5. The stock of the said corporation shall be deemed personal property, and assignable and transferable upon the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer or receive a dividend until such debt be paid to the satisfaction of the trustees.

Duration of act. § 6. This act is declared to be a public act, and the corporation hereby created shall continue twenty years, and no longer.

General powers. § 7. The said corporation shall possess the general powers, and be subject to the prohibitions and restrictions contained in titles three and four of chapter eighteen of the first part of the Revised Statutes, except so far as the same are modified by this act. And the legislature may at any time alter, modify or repeal this act.

Dividends. § 8. It shall be the duty of the directors of said corporation to make dividends half yearly of the profits arising from the business of said corporation; and annually, on the fifteenth day of January hereafter, to make out and transmit to the house of assembly, a full account and statement of the affairs of said corporation, which account and statement shall be verified by the oath of at least two of the directors, to be in all respects just and true.

CHAP. 294.

AN ACT for the further relief of the eye infirmary of the city of New-York.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. That the treasurer pay on the warrant of the comptroller, annually, on the first Monday of May in each year, for three years, to the president and directors of the New-York Eye Infirmary, the sum of one thousand dollars, to be applied by them to the purpose of enabling the managers and physicians of that institution more fully to grant relief to those indigent patients who may apply from various parts of the state, to the institution for professional aid.

§ 2. The second and third sections of the act for the relief of the Eye Infirmary of the city of New-York, passed April 12, 1824, shall be and continue in full force.

CHAP. 295.

AN ACT to incorporate the Troy academy.

Passed May 5, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The mayor and recorder of the city of Troy, the aldermen of the first, second, third and fourth wards of said city, together with David Buel junior, John Wheeler, John T. McCoun, Joseph Daggett, George Vail, Lyman Garfield, Thaddeus B. Bigelow, Charles S. J. Goodrich, Jonas C. Heartt, Day O. Kellogg, Deinns Belding, John B. Colegrove and Albert Richards, of the said city, are hereby constituted a body corporate, by the name of "The Troy Academy." Corporation created.

§ 2. The corporation hereby created shall be capable in law to take, receive, hold and enjoy any estate, real and personal, to the use of them and their successors, and to lease, sell and convey, or otherwise dispose of the same; the yearly rents, profits and income of which shall not exceed at any time the sum of ten thousand dollars. Real and personal estate.

§ 3. There shall be nineteen trustees of the said corporation, and the persons named in the first section of this act, shall be the trustees thereof. Trustees.

§ 4. The trustees of said academy for the time being, shall have power to fill all vacancies that may occur in said board of trustees, by ballot, except those who are ex-officio members of said board. Vacancies.

§ 5. All the property and effects of every description belonging to the Troy High School, now under the charge of the trustees of the first school district in the city of Troy, may be delivered by them, if the said trustees shall think it expedient so to do, to the trustees of the academy hereby created, to be by them applied to and for the use of said academy. Troy High School.

§ 6. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in title third of chapter eighteen of the first part of the Revised Statutes. General powers.

Literature
fund.

§ 7. The said academy shall not be entitled to any share or proportion of the income of the literature fund, until the regents of the university shall be satisfied that said academy has complied with all the requisites which would authorize and induce the regents to incorporate the same; in that case, said corporation shall be entitled to its distributive share of said funds, subject to the regulations and restrictions applicable to academies incorporated by said regents.

CHAP. 296.

AN ACT to amend an act, entitled "*An act to incorporate the city of Troy,*" and for other purposes.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Power to lay
out and alter
streets and
roads.

§ 1. The common council of the city of Troy shall have power to lay out, by actual survey, any public highway, street, lane or alley in said city, or to widen or straighten any public highway, street, lane or alley in said city, already laid out, and to cause such highways, streets, lanes or alleys to be ascertained, widened, altered, designated and established.

Survey and
map to be
made.

§ 2. When any of the improvements contemplated by the preceding section shall be deemed necessary, the common council of said city shall,

1. Cause a survey and map of the public highway, street, lane or alley, to be made, and deposited in the office of the clerk of said city, and the survey thereof shall be recorded by the said clerk, in a book to be provided for that purpose, which survey and map shall designate the real estate belonging to each person, upon which the said improvement shall be made, and the quantity of land of every such person required for any such improvement.

Resolution of
common
council.

2. The common council shall by resolution to be entered in their minutes, declare the said improvement to be necessary for the public use, or for the use for which it is intended, and shall therein require the real estate so designated in the said survey and map, as necessary for the said improvement, and shall thereupon appoint a committee of at least two members of the common council, to treat with the owner or occupant of the real estate required for the said improvement, for the purchase thereof.

Notice to be
given to own-
ers within 10
days.

3. The common council shall cause notice, in writing, to be given to the owner or occupant of each piece or par-

cel of land required for the said improvement, if residing within the said city, or within ten miles thereof; which notice may be served personally, or by leaving the same at the dwelling-house or other usual place of abode, of such owner or occupant, specifying the improvement intended to be made, and the real estate required of such owner or occupant for the purpose expressed in such notice; and that the common council, by their said committee, to be named in such notice, at a certain time and place, to be therein mentioned, not less than ten nor more than twenty days from the service of said notice, will treat with such owner or occupant, or his agent, for the purchase of the real estate so required for the said improvement.

4. If such owner or occupant is known, and resides more than ten miles from the city of Troy, it shall be sufficient to direct the like notice to such owner or occupant, by mail, directed to a post-office of the town or place where such owner or occupant shall reside; and if such owner is a minor or femme covert, then said notice may be served in manner aforesaid, upon the husband of such femme covert, or the guardian of such minor, if any; but in case it cannot be discovered that there be any guardian appointed for such minor, or if such owner is unknown, and the said real estate required for any such improvement is unoccupied, then the said notice may be affixed in a conspicuous place upon the said premises required for any of the said improvements; or in case there be any person in the occupancy of the real estate required for any such improvement, the owner of which is unknown, or a minor not having a guardian appointed, then the said notice may be served upon such occupant.

5. If the owner or occupant of any such real estate required, shall not appear at the time and place mentioned in such notice, or shall not agree for the sale of the real estate required, the said committee shall report the same, in writing, to the common council, who may appoint other persons on the same committee, or add other persons to the committee first appointed; and renew the said notice to the owner or occupants of the several premises required, as often as they shall think proper, to be served in the manner herein before provided; or the said common council may, on the coming in of the first report of the said committee, or any subsequent report, or at any time afterwards, appoint not less than three nor more than five disinterested freeholders, commissioners to estimate the damage to the owner or occupant of such real estate required for the said improvement.

6. The said commissioners shall take and subscribe an oath or affirmation before the mayor or recorder, or any

To more distant owners.

Committee to report.

Appraisers to take oath.

alderman of said city, faithfully to assess the damage to be paid to the several owners and occupants of the real estate required for the improvement, specifying the same; which oath, certified by the officer before whom it shall be taken, shall be filed in the office of the clerk of said city.

To proceed & view the premises.

7. The said commissioners shall proceed to view the several premises required for the said improvement, or such parts and portions thereof as the common council shall not have agreed for with the owner or occupants thereof, and may summon the owner thereof, or so many other persons as they shall think proper, to testify, under oath, (which oath either of the said commissioners is hereby authorized to administer,) as to the value of the real estate required, or as to the damages which ought to be awarded therefor to the owner or occupant thereof; and shall make a certificate containing a description of the real estate required, according to the survey thereof, and shall also report the damage awarded to such owner or occupant; which certificate, subscribed by the said commissioners, shall be filed in the office of the clerk of the said city.

Common council may appeal from their decision.

8. The common council may, by resolution to be entered in their minutes, appeal from the decision of the said commissioners, in whole, or in part, specifying the particular part of the decision appealed from; and the owner or occupant of any real estate, may appeal from the decision of the said commissioners, to the recorder of the city, notice of which appeal shall, within thirty days after the filing of the certificate of the said commissioners, be served upon the said recorder, and if the appeal be made by any owner or occupant of any real estate, the like notice shall, within the same time, be served upon the clerk of said city.

Other appraisers may be appointed.

9. The said recorder shall, within ten days after the appeal shall have been made and notice thereof given, in writing, appoint three commissioners, being disinterested freeholders of said city, to estimate the damage to be paid to the owner or occupant of such real estate, which commissioners shall possess the same powers and proceed in the same manner as the commissioners first appointed, and the determination of such commissioners shall be final and conclusive in the premises; and in case the determination of said commissioners shall not be more favorable to the party appealing than the determination of the commissioners first appointed, the expenses incurred by the appeal shall be paid by the party appealing; but in case the owner or occupant of any real estate taken for any such im-

Their powers and duties.

provement, shall consider himself aggrieved by the determination of the commissioners appointed by the recorder, such owner or occupant may cause the proceedings had before such commissioners to be removed into the supreme court by writ of certiorari, to be directed to the said commissioners, who shall return thereto the proceedings had before them, together with the substance of the evidence by them taken, if any, and their determination in the premises; and if the justices of the supreme court, from the said return, or from such other evidence as may be offered to them, shall be satisfied that injustice has been done to the party or parties prosecuting such writ of certiorari, or any of them, the said court may by rule or order quash the said proceedings had before the said commissioners, in whole or in part, or they may affirm the said proceedings before the said commissioners, and may award costs in the proceedings, as to them shall seem just; and in case the proceedings had before the said commissioners shall be quashed, as to any of the parties prosecuting the said writ of certiorari, commissioners shall be appointed, de novo, and the same proceedings had as is herein before provided as respects the real estate belonging to the party to whom such proceedings of the said commissioners shall be quashed; but such writ of certiorari shall be of no effect, unless the same shall be served upon the said commissioners, or one of them, with a copy of the affidavit upon which the same shall be allowed, within thirty days after the filing of the certificate of the said commissioners.

10. The commissioners appointed by the common council, or by the recorder of said city under this act, shall each receive the sum of two dollars for every day by them employed in the business of their appointment; and the recorder of said city shall receive the sum of one dollar, for the performance of the duties required of him in the appointment of commissioners, which sums in the first instance, shall be paid by the chamberlain of said city as other contingent expenses are paid; and in case such expenses ought to be paid by any party or parties appealing, the same may be recovered, with costs of suit, in the name of the chamberlain, as so much money paid for the use of the party who should have paid the same.

Pay of appraisers.

11. In case the improvement contemplated shall be the laying out of any highway, or the straightening or otherwise changing the course of any highway already laid out within that part of said city not laid out into building lots, the expenses of proceeding under this act, as well as the payment of the damage to the owner of the real estate required, shall be a charge upon said city, and shall be paid by the chamberlain as other contingent expenses are

Laying out or straightening highways.

paid; but where any highway shall be laid out, opened and worked, or any street, lane or alley shall be laid out, or any highway, street, lane or alley already laid out, shall be widened or straightened, or the course or direction thereof changed at the request of any number of individuals, or any incorporated company, nothing in this act shall prevent the common council from imposing it as a condition for making the alteration or improvement, that such individuals or corporation shall pay all or any part of the damages, charges and expenses incident to such improvement.

Private
roads.

§ 3. When on application the common council shall direct a private road to be laid out, the damages shall be ascertained in manner aforesaid; but the person applying for such private road, before the same shall be opened, shall pay all the damages and expenses incident to the laying out and opening of such private road, when the person so applying for such private road shall obtain and possess all the benefits and advantages secured to persons applying for private roads, under section seventy-nine of article fourth of title first of chapter sixteenth of part first of the Revised Statutes; and the owner or occupant of the land through which such private road shall be laid may secure to himself the right of using such private road, by giving notice of his intention in writing to the commissioners appointed to award the damage and recompense to such owner or occupant by means of laying out such private road, who shall award such damage accordingly.

New streets
or alleys.

§ 4. When the improvement contemplated shall be the laying out of any new street, lane or alley, or the extending, widening or altering of any street, lane or alley already laid out in that part of said city laid out into building lots, or which may hereafter be laid out into building lots; or in case any street, lane or alley shall be laid in said city, preparatory to laying out building lots, the common council of said city may cause the damage awarded to the owner or occupant of the real estate required for such improvement, and the necessary expenses of surveys, notices, appraisement, assessment and collection of such damages and expenses, and any other expenses incident to such improvement, to be apportioned and assessed upon all the houses and lots intended to be benefited by such improvement, in the manner provided by the nineteenth section of the act, entitled "An act to incorporate the city of Troy," passed April 12th, 1816, and the eighth section of the act, entitled "An act further to

amend the act, entitled 'An act to incorporate the city of Troy,' " passed April 30, 1825.

§ 5. Whenever an assessment of the damage and expenses thereof shall have been made; and whenever any improvement shall have been ordered by the common council of said city, under the act, entitled "An act to incorporate the city of Troy," or under any act amendatory thereof or in addition thereto, or under this act, and the expenses of such improvement shall be assessed pursuant to the nineteenth section of the act hereby amended, and the same shall not be paid pursuant to the requirements of the same section, the said lands and premises so assessed may be sold, after advertising the same for six weeks in the manner prescribed by the twentieth section of the same act, instead of six months, as is required by the said twentieth section of said act; and in addition to said advertisement the said common council shall cause a copy of said advertisement to be served on the owner or occupant of each separate lot or parcel of land so advertised for sale, by delivering the same to such owner or occupant personally, or by leaving the same at the dwelling-house or usual place of abode of such owner or occupant, if residing within ten miles of the city of Troy, at least twenty days before the time of such sale: and if such owner shall be known, and shall reside at a greater distance than ten miles from the city of Troy, it shall be sufficient to enclose a copy of such advertisement by mail, directed to such owner at the post-office of the town or place where such owner shall reside: and if it shall appear, from the assessment made, that the owner of such lot or parcel of land is unknown, no other notice shall be necessary than the publication of the advertisement aforesaid.

Premises may be sold in case of non-payment.

§ 6. Article second of title first of chapter sixteenth of part first of the Revised Statutes shall not be deemed to apply to the city of Troy; and the common council of said city may raise by tax upon the freeholders and inhabitants and taxable property in said city, liable to taxation for and towards the county taxes, a sum not less than fifteen hundred, nor more than four thousand dollars, in any one year, for making, repairing and improving the highways and bridges within said city; the apportionment of the said tax may be made from the valuations of the estates real and personal and taxable property in said city, as made out by the assessors of the next preceding year, with such alterations, arising from the change of property, as may be known to the common council; or it may be made from the valuation of the said assessors for

Tax for highways and bridges.

the then current year: said tax when levied shall be collected by the collectors of said city, by virtue of a warrant issued to them.

Fines, how
to be col-
lected.

§ 7. All fines imposed by the mayor's court of the city of Troy according to law, without being accompanied by an order for the commitment of the person so fined, until such fine be paid, shall be collected or otherwise disposed of in the following manner:

1. Within ten days after any term of said court, at which any fine shall have been imposed, the mayor or recorder, or other persons holding said court, shall make an order to the marshal of said city, or in case there be no marshal, or he be unable to perform the duties of his office, then to any constable of said city, by name, authorizing such marshal or constable to demand and receive from the person so fined the amount of the fines imposed upon him; and in case of the non-payment of any such fine, upon such demand and the exhibition of such order, the marshal or constable shall notify such person, so neglecting to pay such fine, to appear in the mayor's court, on the first day of the then next term thereof at the opening of the court, to show cause why the said fine so imposed by the said court should not be collected.

2. If the said marshal or constable from any cause shall not have been able to make the demand of payment of such fine or fines, intermediate the making of any such order, and the first day of the next term of said court, the said order may be renewed from term to term, until such demand shall have been made and notice as aforesaid given, or some other order shall be made by the said court, relative to the said fine.

3. The said mayor's court on the first day of the term next after such demand of payment of such fine, and notice given as aforesaid, may wholly remit any such fine, or in any manner modify the same; but if said fine shall not be remitted, or the person fined, after demand of payment and notice as aforesaid, shall not appear or show sufficient cause why such fine ought to be remitted, the mayor or recorder, or other persons holding the said court, shall within ten days thereafter, or at such other time as they shall deem proper, issue a precept in the nature of an execution, to any constable by name, requiring him forthwith to collect such fine by distress and sale of the goods and chattels of the person named in the said precept, together with his fees for collecting the same; and to pay over the said fine to the chamberlain of said city, by the first day of the term of said mayor's court next after any such pre-

cept shall have been issued; and the said marshal or constable shall proceed in the same manner and be entitled to the same fees for executing the said precept, as a constable in serving an execution issued by a justice of the peace.

4. The said marshal or constable may be compelled to return the said precept, and to pay over any moneys received or collected, either upon the previous order or by virtue of the said precept, by rule and attachment, in the same manner and with the like effect, as the marshal of said city may be compelled to return any execution delivered to him for collection, or to pay over any moneys by him collected upon any such execution, issued to him out of the mayor's court of said city.

§ 8. So much of article second, of title sixth, of chapter eight, of part third of the Revised Statutes as is repugnant to the next preceding section of this act, shall not hereafter be deemed to apply to the remission or collection of fines imposed by the mayor's court of the city of Troy. Repeal.

§ 9. Whenever any law or ordinance of the mayor, recorder, aldermen and commonalty of the city of Troy, shall be violated or broken, for the violation or breach of which any penalty is incurred, in any action to be brought or commenced for the recovery of such penalty, such action may be commenced by warrant or otherwise by summons, at the discretion of the officer or person prosecuting the said action; and in the case of a warrant, no oath or affirmation shall be necessary to authorize the issuing of the same; and upon any judgment recovered for the violation of any such law or ordinance, the execution issued upon such judgment shall and may be issued by the magistrate or court before whom such judgment may be rendered, as well against the body of the defendant or defendants, as against his, her or their goods and chattels; and in case any such defendant or defendants shall be committed to prison upon any such execution, such defendant shall be confined to the common gaol of the county, where such defendant or defendants shall be imprisoned, until such execution and the constable's and gaol fees shall be fully paid; but no person shall be imprisoned by virtue of any such execution for a longer space of time than thirty days. Action for penalties.

§ 10. The common council of said city shall possess the power by resolution, to be entered in their minutes, to direct and order that any lot, part of a lot, or parcel of land, in the first, second, third, and fourth wards of said city, laying above or below any common level or pitch, determined upon by said common council, to be dug down Lots to be levelled.

and levelled, or filled in and levelled, so as to conform the same to the pitch, level, or elevation which the common council may have determined, and to cause an estimate of the expense of conforming to such regulation to be made and assessed upon such lot, part of a lot, or parcel of land, so directed to be levelled, in the manner directed in and by the nineteenth section of the act hereby amended; in making which estimate a majority of the assessors to be appointed by the said common council for that purpose, may execute all the duties which the whole number of such assessors are authorized to execute, and such estimate and assessment confirmed by the common council shall be a lien upon such lot, part of a lot, or parcel of land, and the buildings thereon situate, until the same shall be paid; and the mayor, recorder, aldermen and commonalty of said city, may take the like and same measures for the collection thereof, as are authorized in and by the twenty-second section of the act entitled "An act to incorporate the city of Troy," as amended by the fifth section of this act.

Buildings
how to be
constructed.

§ 11. The mayor, recorder, aldermen and commonalty of the city of Troy, may from time to time direct and order, that any or all dwelling-houses, stores, store houses, offices, shops, barns, stables or other buildings, which shall hereafter be erected in the first, second, third, or fourth wards of said city, shall be constructed of brick or stone, and covered with slate, tile, metal, or other safe material against fire, and from time to time make such rules, regulations, by-laws and ordinances, not repugnant to the constitution and laws of this state, as they shall deem expedient, and to enforce the observance of the same, by inflicting such penalties as they shall think proper, *not exceeding the sum of five hundred dollars for any one offence*, to be recovered in the name of the chamberlain of said city with costs of suit, for the use of the mayor, recorder, aldermen and commonalty of said city.

Limits may
be prescribed.

§ 12. In case the mayor, recorder, aldermen and commonalty shall deem it inexpedient to require that any or all dwelling-houses, stores, store-houses, offices, shops, barns, stables and other buildings, thereafter to be built or erected throughout the whole extent of the first, second, third and fourth wards, shall be constructed of brick or stone, and covered with slate, tile, metal, or other safe material against fire, they may from time to time prescribe the limits within which such buildings shall be erected and built of brick or stone, and covered with slate, tile, metal, or other safe material against fire: and said mayor, recorder, aldermen and commonalty may, from time to time, re-

To erect
brick or stone
buildings.

quire that the outer walls of all dwelling-houses, stores, store-houses, offices, shops, barns, stables, and other buildings which may be erected or built in the first, second, third or fourth wards, and not within the districts prescribed and designated by the said common council, within which such building shall be constructed and built of brick or stone, and covered with slate, tile, metal, or other safe material against fire, shall be filled in with a brick wall at least four inches in thickness, laid in good lime mortar, from the sill to the plates thereof, and the gables to the peak of the roof; and make such by-laws and ordinances, not repugnant to the constitution and laws of this state, as they shall deem expedient, and enforce the observance of the same, by inflicting such penalties as they shall think proper, not exceeding the sum of five hundred dollars for any one offence, to be prosecuted and recovered in the manner and to the same use, as the penalties mentioned in the next preceding section of this act; and in any action for the recovery of any penalty authorized by this or the next preceding section of this act, it shall in all cases be sufficient to declare generally, in an action of debt, and to state that the defendant is indebted to the said chamberlain by name, to and for the use of the mayor, recorder, aldermen and commonalty of said city, in the amount of the said penalty prosecuted for, without setting forth the authority of the said mayor, recorder, aldermen and commonalty of said city, to pass the said by-law or ordinance; this act, and the said by-law or ordinance, and all other special matter, may be given in evidence on the trial of any such action: nor shall it be any cause of challenge or objection to any juror or witness upon the trial of any such action, that such juror or witness is a taxable inhabitant of said city; nor shall any such action abate or be discontinued by the death, resignation or removal from office, of the person in whose name, as chamberlain, such action may be commenced.

§ 13. If any dwelling-house, store, store-house, office, Penalty. shop, barn, stable or other building, shall be erected or built, within the limits of the first, second, third or fourth wards, or either of them, contrary to the prohibition of any by-law or ordinance passed by the mayor, recorder, aldermen and commonalty pursuant to the authority granted by this act, the same dwelling-house, store, store-house, office, shop, barn, stable or other building, shall be deemed and adjudged a common nuisance; and the removal of any wood dwelling-house, store, store-house, office, shop, barn, stable, from one lot to another lot, or from one part of the same lot to another part of the same lot, or the construction of an additional story to the same building,

or the alteration or change of any wood, store, store-house, shop, barn or stable into a dwelling-house, within any part of the first, second, third or fourth wards of said city, to which such by-laws or ordinances shall extend, without the consent of the mayor, recorder, aldermen and commonalty of said city, shall be adjudged a building and erection within the prohibition of such by-laws or ordinances.

Repeal.

§ 14. The ninth section of the act, entitled "An act further to amend the act, entitled 'An act to incorporate the city of Troy,'" is hereby repealed; but such repeal shall not affect any suit or action already commenced or hereafter to be commenced, for the recovery of any penalty incurred for the violation of any by-law or ordinance passed in pursuance of authority derived from that section of said act.

Schools.

§ 15. The mayor, recorder, aldermen and commonalty may, by resolution to be entered in their minutes, set off and detach from the first school district of said city, as now established by law, all such parts of the first and second wards of said city as they may deem expedient, and annex such part and portion of the said first and second wards so set off to the fifth ward of said city, for the purpose of forming a school district to be composed of that part of the first and second wards of said city so to be set off, and a portion of the fifth ward of said city; and whenever such district shall be set off, it shall be the duty of the commissioners of common schools of the said city to organize a school district, to be composed of such part of the said first school district so set off as the commissioners of common schools shall deem expedient; and the school-house now erected near the east boundary of the said second ward shall be, continue and remain the district school-house of the said school district so to be formed; and the said district shall possess all the rights and privileges, and be subject to the same liabilities as the other school districts formed in the fifth and sixth wards of said city.

In the first district.

§ 16. It shall be lawful for the mayor, recorder, aldermen and commonalty to establish one or more schools in the first school district, in addition to the school already established by law in the said first school district, and to purchase the necessary land, and to erect school-houses thereon; and when such school-houses shall be erected, and schools established therein, the same shall be under the control and supervision of the common council of said city; and the trustees to be annually appointed by the common council of said city for school district number one shall be trustees of the said additional schools, and

shall possess all the powers in relation to such additional schools as they now possess in relation to the school established in the said first school district; and when such additional schools shall be established, it shall be the duty of the said trustees, under the direction of the common council, to apportion the common school moneys allotted to the first school district, among the several schools in proportion, as nearly as may be, to the number of scholars instructed in each of the said schools, or in such other manner as shall be just and equal.

§ 17. For the purpose of the carrying the provisions of the next preceding section of this act into effect, the mayor, recorder, aldermen and commonalty may levy and collect, by tax upon the estates, real and personal, of the freeholders and inhabitants and taxable property in the first, second, third and fourth wards, in the same manner that other taxes are levied and collected, a sum of money not exceeding two thousand dollars in any one year; or the said mayor, recorder, aldermen and commonalty may defray the necessary expenses thereof, from the general funds of said city. Tax to be levied and collected.

§ 18. So much of the fortieth, forty-first, forty-second and forty-third sections of the act entitled "An act to incorporate the city of Troy," as is repugnant to the three last preceding sections of this act, are hereby repealed. Repeal.

§ 19. There shall be appointed in each of the supervisory districts in said city a collector for such district, who shall be appointed by the alderman and assistant alderman of each respective district; said collectors shall have the same power, and be subject to the same duties, restrictions and liabilities, in their respective districts, as the present collector of said city. The office of city collector is hereby abolished. Collectors.

CHAP. 297.

AN ACT to incorporate the Alexander classical school.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Henry Hawkins, Ammi R. R. Butler, Earll Kidder, James R. Jackman, Emory Blodgett, Jonathan Hall, Van Rensselaer Hawkins, Samuel Benedict junior, and Lowell Hall, and their associates, are hereby declared a body corporate and politic, for the promotion of literature Corporation created.

and improvement in education, by the name of the "Alexander Classical School," to be located in the town of Alexander, in the county of Genesee.

Stock.

§ 2. The capital stock of said company shall not exceed three thousand dollars, and shall be divided into shares of ten dollars each, and be deemed personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of the corporation; and when any of the said shares shall have been transferred, the assignee shall be entitled to all the privileges of an original stockholder.

Trustees.

§ 3. The affairs of the said corporation shall be managed by nine trustees to be chosen annually by the stockholders, on the first Monday of May in each year, by a plurality of votes of the stockholders present; each stockholder shall be entitled to one vote for each share of stock owned by him; but no stockholder shall have more than fifteen votes.

First trustees

§ 4. The persons named in the first section of this act shall be the first trustees, and shall hold their offices until the first Monday in May, one thousand eight hundred and thirty-five.

Officers.

§ 5. The trustees may choose from their number a president, treasurer and secretary; and whenever a vacancy shall happen in the full number of trustees of said corporation, by the death, resignation or refusal to serve of any trustee, the said trustees, at one of their legal meetings, may elect a fit person, being a stockholder, to fill such vacancy.

Literature fund.

§ 6. Nothing in this act contained shall entitle the said corporation to participate in the distribution of the literature fund.

Right to repeal.

§ 7. The legislature may at any time alter, modify or repeal this act.

CHAP. 298.

AN ACT relative to certain water patents fronting on the Albany basin.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The commissioners of the land-office are directed, by letters patent, to extend the water patents of Jacob Ten Eyck and Abraham Ten Eyck, owners of the water

lots between Orange and Columbia-streets, fronting on the Albany basin, in the city of Albany, eastwardly into the said basin, so that the eastern boundaries of said water lots shall be a straight line drawn from the southeast corner of the water lots north of Orange-street to a point in said basin opposite the foot of Columbia-street, to be determined by said commissioners.

CHAP. 299.

AN ACT to incorporate the Buffalo burial ground association.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. Hiram Pratt, George B. Webster, Heman B. Potter, Russel H. Haywood, Lewis F. Allen, and such other persons as may be hereafter associated with them, are hereby constituted a body corporate, by the name of "The Buffalo Burial Ground Association," with power to take, hold and convey real and personal estate to the use of the said corporation, to the amount of ten thousand dollars.

Corporation created.

§ 2. The estate, stock, property and affairs of the said corporation shall be managed by five trustees, to be elected in the manner hereafter directed, and who shall hold their office for three years, and until others shall be chosen in their place. The persons named in the first section of this act shall be the first trustees, and shall hold their offices until the first Monday of April, in the year one thousand eight hundred and thirty-seven, and until others shall be chosen.

Trustees.

§ 3. The said corporation may acquire, take and hold a lot or tract of land within the town of Buffalo, not exceeding twenty acres, which land when acquired by said corporation, shall be used exclusively as a cemetery, or place for the burial of the dead; and for this purpose it shall be surveyed and sub-divided into lots or plats of convenient size for family burial grounds; and a map of said survey, containing the numbers of said plats or subdivisions, shall be filed in the clerk's office of the county of Erie. When the said map shall be filed, the said trustees may sell and convey such plats or sub-divided lots on such terms and such prices as they shall agree on, which conveyances shall be made under the seal of said corporation,

Lot of land may be held and divided into plats.

and signed by a majority of said trustees; but all moneys obtained for such sales shall be applied by said trustees to the payment of the purchase money of the land acquired by said corporation, and to improving and embellishing the same as a cemetery or burial ground.

Election.

§ 4. An election of trustees shall be held on the first Monday of April, in the year one thousand eight hundred and thirty-seven, and on every first Monday of April triennially thereafter, during the continuance of said corporation, at such time and place in the city of Buffalo, as the trustees shall appoint. Notice of such election, and of the time and place of holding the same, shall be given in one or more newspapers published in the city of Buffalo, at least fourteen days previous to the time of holding the same. The election shall be by ballot, and every owner of a plat or plats shall have a vote for each plat he may own, and he may appoint a proxy to vote for him at such election. And the five persons, being plat owners, that shall have a majority of all the votes given at such election, shall be declared duly elected trustees. The trustees of said corporation shall have power to fill any vacancy in their number that may occur during the period for which they hold their office. And if it shall happen at any time that an election of trustees shall not be made on the day designated by this act, the corporation shall not for that cause be dissolved, but the election may be held on any other day, giving the notice thereof as is herein before described.

Plats exempted from taxation.

§ 5. The said plats or sub-divided lots, when conveyed by said corporation to individual proprietors, shall be exempt from taxation, and not liable to be sold on execution, or to be applied to the payment of debts.

General powers.

§ 6. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in title three of chapter eighteenth, of the first part of the Revised Statutes.

CHAP. 300.

AN ACT *authorizing the laying out of highways through orchards, in the counties of Westchester and Putnam.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Public roads may be laid out through orchards in the counties of Westchester and Putnam, without the consent of the owner or occupant thereof, the same as through enclosed, improved or cultivated land: and so much of section fifty-seven, of article fourth, of title first, of chapter sixteenth, of part first of the Revised Statutes, as is inconsistent with the provisions of this act, is repealed.

CHAP. 301.

AN ACT *to incorporate the Montgomery manufacturing company.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All persons who shall become stockholders pursuant to this act, shall be, and are hereby constituted a body Corporation created. corporate by the name of "The Montgomery Manufacturing Company," for the purpose of manufacturing cotton, woollen, flax or hemp goods and fabrics, or either of them separately, upon and at the Wallkill, owned by David Ruggles, in the town of Montgomery, in the county of Orange.

§ 2. The corporation hereby created may purchase or lease the water power above mentioned, with the buildings and mills erected thereon, or any part or portion thereof, and such lands adjacent thereto as they may deem useful for the purpose of carrying on their manufacturing operations, and the business of this corporation. Water power and mills.

§ 3. The capital stock of the said company shall not Stock. exceed one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each: but it shall be lawful for the said corporation when thirty thousand dollars shall have been subscribed and paid in, to commence its said business; and with that capital to conduct and carry on the same, until said corporation shall find it

expedient to extend its capital, which it is hereby authorized to do from time to time, to the amount of one hundred thousand dollars; and the directors for the time being shall have power to receive subscriptions for such extension and increase of the said capital.

Subscriptions
to stock.

§ 4. The first subscription to said stock shall be opened under the direction of Charles Borland, Isaac Jennings, Thomas Powell, Samuel Williams, Charles Rhind, Samuel B. Ruggles, William S. Sears, and David Ruggles, or either of them, who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the said capital stock, at such times and places as they shall deem expedient.

Notice.

§ 5. Whenever thirty thousand dollars or any greater sum shall be subscribed, the said commissioners shall, by an advertisement to be published for three weeks successively, in one of the public newspapers printed in the county of Orange, give notice of the time and place of holding an election for directors of the said company, which election shall be held in the county of Orange, under the inspection of the said commissioners or any three of them, and shall be by ballot, by a majority of the votes of the stockholders present, either personally or by proxy, allowing one vote for every share of stock.

Directors.

§ 6. The stock, property, affairs and concerns of the corporation shall be managed and conducted by five directors, who shall be stockholders, and such directors shall be elected annually, and shall choose one of their number to be their president; and if any vacancy shall at any time happen among the directors by death, resignation or otherwise, such vacancy shall be filled by the other directors, or a majority of them, at a meeting of the board of directors to be held for that purpose, of which meeting at least fourteen days' notice in writing shall be given to each of the directors, either personally or by mail, directed to him at his usual place of residence.

Calls on
stockholders

§ 7. As soon as the directors of said company shall have been chosen, the said commissioners shall deliver over to them the subscription books, and the president and directors of the said company may call for and demand of the subscribers for the said stock, all such sums of money as are by them respectively subscribed; which said sums the subscribers and stockholders are hereby declared liable to pay, at such times and in such proportions as the said president and directors shall deem best for the interest of the company: the said president and directors giving thirty days previous notice of such call or demand, in one of the public newspapers printed in the county of

Orange: and in case of failure to pay the same, the said president and directors may declare the shares of such subscriber or stockholder so failing, forfeited, and such shares, with all previous payment made thereon, shall be thereby forfeited, and become the property of said corporation.

§ 8. The stock of the said corporation shall be deemed personal property; no stockholder indebted to the corporation shall be permitted to make a transfer of stock, or receive a dividend until such debt shall be paid, or secured to the satisfaction of the president and directors; nor shall any transfer of stock be valid until the same shall be entered or registered in the book to be kept for that purpose. Stock deemed personal property.

§ 9. The said company shall be allowed two years to fill up the first subscription to the said stock, and to commence operations.

§ 10. In addition to the powers and privileges herein granted, the said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes. General powers.

§ 11. The corporation hereby created shall continue twenty years and no longer, and the legislature may at any time alter, modify or repeal this act. Right to repeal.

CHAP. 302.

AN ACT to renew and amend the act entitled "*An act to incorporate the Hudson and Berkshire rail-road company,*" passed April 26, 1832.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The act entitled "*An act to incorporate the Hudson and Berkshire rail-road company,*" passed April 26, 1832, is hereby renewed and continued in full force. Act renewed.

§ 2. If the said corporation, hereby renewed, shall not, within three years from the passage of this act, commence, and within five years thereafter, construct, finish, and put in operation the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void. Time limited

Distribution
of stock.

§ 3. The commissioners appointed for the distribution of the stock of the said company, shall not be required to distribute the same according to the provisions of the fourth section of the act hereby renewed, unless more than three hundred and fifty thousand dollars shall have been subscribed.

Right to re-
peal.

§ 4. The legislature may, at any time, alter, amend, modify or repeal this act.

CHAP. 303.

AN ACT to incorporate the Roman Catholic orphan asylum in the city of Brooklyn, county of Kings.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Name.

§ 1. There shall be established and located in the village of Brooklyn, and county of Kings, a charitable society, by the name of "The Roman Catholic Orphan Asylum Society, in the city of Brooklyn, in the county of Kings."

Corporation
created.

§ 2. J. Sullivan Thorne, Thomas Mooney, John Sweeney, Peter Turner and Charles Brady, and such other persons as shall hereafter become members of said society, are hereby constituted a body corporate by the name aforesaid.

Rules.

§ 3. The said corporation shall have power to prescribe rules and regulations for the admission of members, and for expelling them for the non-observance of its by-laws.

Object.

§ 4. The object of the society shall be for the purpose of relieving the poor, and of protecting and educating orphan children.

Quorum.

§ 5. At every meeting of the said society when twenty-one members are met, they shall have full power to do and transact all the business thereof.

Estate.

§ 6. The said corporation may purchase and hold real and personal estate for their use and benefit, but the same shall not exceed, at any one time, the yearly value or income of twenty-five hundred dollars.

General
powers.

§ 7. The corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 8. The legislature may at any time alter, modify or Right to repeal. repeal this act.

CHAP. 304.

AN ACT *in relation to the Albany Burgesses Corps.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The members of the Albany Burgesses Corps performing duty under this system of military organization, shall be exempt from the performance of militia duty in any of the companies, battalions, regiments or brigades in this state, except in cases of insurrection or invasion. Privileges of the corps.

§ 2. Whenever any member of said corps shall have performed as many days duty as is required of the members of the artillery or rifle companies in the city of Albany, they shall be entitled to the same privileges of exemption which are now extended to the members of said artillery and rifle companies by the militia laws of this state. When to be exempted from duty.

§ 3. The provisions of this act shall not extend to any members of said corps who do now or may hereafter hold any military commission. Restrictions.

§ 4. The number of individuals composing this corps shall not exceed eighty. Number of members.

§ 5. This act shall take effect immediately after its passage. Act to take effect.

CHAP. 305.

AN ACT *to authorize Peter L. Minor to erect a dam and lock upon Ransom's creek, in the town of Amherst, Erie county.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall and may be lawful for Peter L. Minor, his heirs or assigns, to erect, continue and keep up a dam across Ransom creek, in the town of Amherst, in the county of Erie, at or near the place where said Minor's mill is now erected in said town. Dam.

Lock.

§ 2. The said Peter L. Minor shall, within one year and six months after the passage of this act, construct and keep in repair a lock in said dam, which shall be eleven feet wide, sixty feet long, and six and an half feet high, for the free passage of boats, rafts, and other crafts, at all times during the continuance of the said dam.

Saving clause

§ 3. Nothing in this act shall be so construed as to affect the rights of individuals who may be injured by reason of said dam; and the legislature may at any time alter or repeal this act.

CHAP. 306.

AN ACT *to incorporate the Schenectady and Saratoga insurance company.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Corporation created.

§ 1. From the time this act shall commence and take effect, Isaac Gere, James M. Cook, Platt Potter, Harmanus Peek, John Ohlen, Thomas Palmer, William Cunningham, Levi Benedict, Samuel W. Jones, Harvy Davis, Peter I. Clute, John Brown, John Titus, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name of "The Schenectady and Saratoga Insurance Company."

Stock.

§ 2. The capital stock may be one hundred thousand dollars, to be divided into two thousand shares of fifty dollars each. And it shall be lawful for the said corporation, as soon as fifty thousand dollars of the said capital stock shall be subscribed and paid, or satisfactorily secured, as provided by the twenty-first section of this act, to commence their business, and with that capital to carry it on, until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to an amount not exceeding the said sum of one hundred thousand dollars; and the capital stock thus extended and increased, shall be secured as aforesaid.

Insurance.

§ 3. In addition to the general powers and privileges of a corporation, as the same are declared in the third title of the eighteenth chapter of the first part of the Revised Statutes, the corporation hereby created shall have power to insure property of every description against loss or damage by fire, and all kinds of insurance upon persons

property, against loss or damage in the course of inland transportation by land or water.

§ 4. The book of subscription to the capital stock of this company, shall be opened under the inspection of William Cunningham, John Ohlen, Thomas Palmer, Harmanus Peek and Platt Potter, of the county of Schenectady, and Isaac Gere and James M. Cook, of the county of Saratoga, who are hereby appointed commissioners for that purpose. Subscriptions to stock.

§ 5. The commissioners shall open the book of subscription in the city of Schenectady, at such time and place as they shall appoint; notice of which shall be given in one or more of the newspapers printed in that city, at least ten days previous to opening such subscription. Book to be opened.

§ 6. The book for subscriptions shall be kept open at least two days, for six hours each day; and the sum of five dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. To be kept open two days.

§ 7. If the sum of fifty thousand dollars be not taken up during the said two days, the commissioners may receive further subscriptions at such other times, and at such place in the city of Schenectady, as they shall appoint. Further subscriptions.

§ 8. The commissioners shall distribute the capital stock of the said corporation among the subscribers thereto; and in case there shall be subscription to more than the amount of fifty thousand dollars, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as they shall deem most advantageous to the interests of the institution; but there shall not be allowed to any one of the subscribers or commissioners, directly or indirectly, or to any one in trust for him, more than fifty shares of said stock, if without such allowance the whole stock to the amount of fifty thousand be taken up. Distribution of stock.

§ 9. All the corporate powers of the said company shall be exercised by a board of directors, and such officers and agents as they shall appoint. The board of directors shall consist of thirteen persons, all of whom must be citizens of this state and stockholders: and if any director shall remove out of the state, or cease to be a stockholder, his office as a director shall thereupon become vacant. Directors.

§ 10. The board of directors shall have power to declare by a by-law, what number of directors less than a majority of the whole, shall constitute a quorum for the transaction of business; but no officer of the company shall Quorum.

be appointed or removed, unless a majority of the whole number of directors shall be present at the meeting.

First election.

§ 11. The first election for directors under this act shall be held at such time and place in the city of Schenectady as shall be directed by the commissioners herein before appointed. The said commissioners, or any three of them, shall be inspectors of such first election. The directors then to be elected shall hold their offices until the first Monday of July, in the year one thousand eight hundred and thirty-five, and until others are elected in their stead.

Subsequent elections.

§ 12. The directors for every subsequent year shall be elected on the first Monday of July in every year, at such time of the day, and at such place in the city of Schenectady, as the directors for the time being shall appoint; and shall hold their offices for one year, and until others are elected in their stead.

Notice.

§ 13. Public notice of every election under this act shall be given by the commissioners or directors, not less than ten days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the city of Schenectady.

Votes.

§ 14. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least ten days previous to the time of voting. At every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law.

To be by ballot.

§ 15. All elections of directors shall be by ballot, and the thirteen persons who shall have the *greatest number* of votes shall be elected. And if at any election of directors the whole thirteen persons shall not be chosen, in consequence of two or more persons having an equal number of votes, then the directors who have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number.

Vacancies.

§ 16. Whenever a vacancy shall happen in the office of directors, such vacancy may be filled for the remainder of the year in which it shall happen, by the board of directors.

President.

§ 17. As soon as may be after the election of directors, the directors shall proceed to elect one of their number, by ballot, to be president; who shall hold the office until the first Monday of July then next following, and until another shall be elected in his stead.

§ 18. The directors shall appoint a secretary of the company, who shall hold his office until the first Monday of July, and until another shall be appointed in his stead. Secretary.

§ 19. All policies of insurance shall be subscribed by the president, or in his absence, by an assistant, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation in like manner and with like force, as if under the seal of said corporation. Policies how to be signed.

§ 20. The capital stock of the said corporation shall be transferable, and shall be deemed to be personal property. No transfer of stock shall be deemed to be valid or effectual in law, until such transfer shall be entered or registered in a book to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, or secure the payment of the said debts to the satisfaction of the directors. Transfers.

§ 21. It shall not be lawful for the said corporation to commence any business whatever, until fifty thousand dollars of the capital stock shall have been subscribed and actually paid, or secured to be paid by bonds and mortgages upon unincumbered real estate of at least thirty per cent above the value for which the same shall be mortgaged, exclusive of buildings, or in the public stocks created by the authority of the United States, or of any individual state, or in the stock of any incorporated bank of this state, which at the time shall be above the par value in the market, or in the stock of any incorporated city of this state, or in the stock of any other incorporated company of this state, which at the time shall be above par value in the market. And all funds and money at any time under the control of said corporation, shall be loaned upon the securities above specified, and no other. The said corporation may sell and transfer any of the said stocks and securities, and again invest the proceeds, as the interest of the company and a due regard to the safety of its funds may from time to time require. Business when to commence.

§ 22. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise, or in buying or selling any public stocks, except as aforesaid; unless in selling the same when truly pledged by way of security for debts due to the said corporation. Restriction.

§ 23. The directors for the time being shall have power to require the stockholders respectively to make payment of all sums of money by them subscribed, at such times Calls on stockholders.

and in such proportions as such directors shall see fit, under pain of the forfeiture of their shares upon which such payments are required, and all previous payments thereon, to the said corporation.

Notice.

§ 24. The directors for the time being shall give notice of every such call, by notice to be published at least once a week, for four weeks successively, in one or more of the newspapers printed in the city of Schenectady; which notice so published shall be a sufficient call on each stockholder to authorize the forfeiture above provided, in case of his default to comply therewith.

Duration of act.

§ 25. The corporation hereby created shall continue until the first day of June, one thousand eight hundred and sixty-four, and no longer.

Office.

§ 26. The office for the transaction of business of the said corporation, shall be in the city of Schenectady, and at no other place.

Real estate.

§ 27. It shall and may be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary for the transaction of their business. And also to take and hold any real estate, or such securities as have been specified in the twenty-first section of this act, bona fide mortgaged or pledged to the said corporation to secure the payment of any debt which may be contracted with said corporation: and also to proceed on the said mortgages and other securities for the recovery of moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorized to do. And also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceeding, or otherwise to receive and take any real estate or any such securities, in payment or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money. But such real estate shall be sold within four years after the same shall be invested in the said company by purchase or otherwise.

Deposition to be made and filed.

§ 28. It shall not be lawful to commence any business under this act, until the president and secretary of said corporation shall have made a deposition in writing, before the mayor or recorder of the city of Schenectady, and deposited the same in the clerk's office of the county of Schenectady, that fifty thousand dollars of the capital stock of the said company has been paid in, or secured to be paid, as provided by the twenty-first section of this act. And any wilful false swearing in any such oath, shall sub-

ject the person guilty thereof to the pains and penalties of perjury.

§ 29. The corporation hereby created shall be subject to the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, except so far as the same have been repealed before the passage of this act, or modified by any of its provisions. General provisions.

§ 30. It shall be the duty of the president and secretary of said company, on the first Monday of January in each year, to make a report of the state and situation of the said company, showing the amount of capital stock paid in, and the manner in which the same is invested or secured; how much thereof has been consumed and expended in the payment of losses sustained by said company, and how much is safe and unimpaired; the amount of liability incurred by said company, and of debts owing by them; the amount of premiums received, of dividends made, and of losses sustained during the preceding year, and the amount of surplus on hand, and the manner in which the same shall be invested and secured; which report shall be signed and sworn or affirmed to by said president and secretary, and filed in the office of the register in chancery. Annual report.

§ 31. It shall be lawful for the chancellor or vice-chancellor of the third circuit, whenever it shall appear proper, to cause the affairs and situation of said company to be examined into and reported to said chancellor or vice-chancellor by a master in chancery, or such other person as the said chancellor or vice-chancellor shall appoint; the expense whereof shall be determined by said chancellor or vice-chancellor, who, in his discretion, may direct such expense to be paid by the company; but the provisions of this section shall not apply to any case of a complaint by any individual not being a stockholder in said company. Power of chancellor.

§ 32. The person thus appointed to make such examination, shall have power to examine under oath the president and secretary or other officers of said company, and the books, papers and vouchers thereof, in such manner as will best advance the purposes of such investigation. Examination.

§ 33. If upon such investigation it shall appear that the said company have in any respect exceeded the powers hereby granted, or violated the provisions of this act, it shall be the duty of the chancellor or vice-chancellor to exercise towards said company the same powers and authority as are now by law conferred on the chancellor in regard to banking incorporations. Duty of chancellor.

Right to re-
peal.

§ 34. The legislature may at any time hereafter, alter, modify or repeal this act, or any of its provisions.

CHAP. 307.

AN ACT to authorize the supervisors of the county of Monroe to raise money to build a bridge across the Genesee river.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Money may
be raised.

§ 1. The board of supervisors of the county of Monroe are hereby authorized, at their next or any future meeting, when they shall deem it expedient, to levy and collect, as the contingent charges of said county are levied and collected, a sum sufficient to build a bridge across the Genesee river, at some eligible point between the mouth of Little Black creek and William Tone's old tavern stand in the town of Chili, at such place as the said board of supervisors shall designate; but the sum so levied shall not exceed the sum of three thousand dollars.

Bridge how
to be built.

§ 2. The said bridge shall be built under the superintendence of the said board of supervisors; and it shall be the duty of the treasurer of said county to pay, on the warrant of the supervisors, over to such person or persons as they shall therein appoint to receive the same, all the moneys which may come to his hands by virtue of this act.

CHAP. 308.

AN ACT to amend article third of title second of chapter sixth of part second of the Revised Statutes.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. In any case where a surrogate who would have exclusive jurisdiction to admit to probate any will, or grant letters testamentary, or of administration upon any estate, is a subscribing witness to said will, the same may be proved before the first judge of the county courts of the said county in which said surrogate would have such exclusive jurisdiction, and the said first judge may grant letters testamentary or of administration, in the same manner

and with like effect as the said judge is now authorized to do by the third article of title second of chapter sixth of part second of the Revised Statutes, in cases where the said surrogate is precluded from acting by the said article.

CHAP. 309.

AN ACT *relative to the opening of Amos-street, from Greenwich-lane to the Sixth avenue, in the city of New-York.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The street known as Amos-street on the map or plan of the city of New-York, between Greenwich-lane and the Sixth avenue, may be opened in like manner as if the same were a street in that part of the said city not laid out into streets, avenues and public places, under and by virtue of the act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807. Street to be opened.

§ 2. This act shall apply to the duties and proceedings of the commissioners of estimate and assessment heretofore appointed in the matter of opening Amos-street above mentioned, and shall take effect as a law from and immediately after the passage thereof. Estimate and assessment.

CHAP. 310.

AN ACT *for the survey of a road from Whitehall, in the county of Washington, to Port Henry, in the county of Essex.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. The governor of this state is hereby authorized and empowered to appoint three persons as commissioners, who shall cause a survey to be made of the most suitable route for a road from Whitehall, in the county of Washington, to Port Henry, in the county of Essex; and said commissioners are hereby directed to make a report to the next legislature of the probable expenses of constructing such road. Commissioners.

Their pay.

§ 2. The said commissioners shall respectively be paid two dollars a day for each day actually and necessarily employed in making such survey, to be audited by the comptroller and paid out of the treasury; but the sum to be allowed for such services and to the said commissioners shall not, in the whole, exceed the sum of three hundred dollars.

CHAP. 311.

AN ACT to authorize the survey of a route for a rail-road from the city of New-York to Lake Erie.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Governor to
appoint engi-
neer.

§ 1. It shall be the duty of the governor of this state to appoint a competent and experienced engineer, whose duty it shall be to explore and survey a route for a rail-road, commencing at the city of New-York, or at such point in its vicinity as shall be most eligible and convenient, and continue such survey through the southern tier of the counties of this state, by the way of Owego, in the county of Tioga, to the shore of Lake Erie, at some eligible point between the Cattaraugus creek and the Pennsylvania line.

Power of en-
gineer.

§ 2. Such engineer shall have power to employ such other engineers or assistants as may be necessary in prosecuting the work, and as shall be consistent with a due regard to economy and the speedy completion of the work.

Map and pro-
file.

§ 3. When such survey shall be completed, the engineer shall make and file a map and profile of such survey, in the office of the secretary of this state, shewing the several elevations and depressions of the surface of the route throughout its whole extent, together with such topographical information and remarks, as may contribute to just conclusions in relation to the construction and cost of a rail-road upon such route.

Pay of engi-
neers.

§ 4. The engineer and assistants who shall be employed pursuant to the provisions of this act, shall be entitled to the like compensation for their services as has heretofore been allowed for similar services performed under the directions of the canal commissioners. Such accounts shall, from time to time, be exhibited to and audited by the comptroller, and paid by the treasurer upon the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated; but the aggregate of such

payments shall not exceed the sum of fifteen thousand dollars.

§ 5. This act shall take effect immediately after its ^{Act to take effect} passage.

CHAP. 312.

AN ACT *to provide for the improvement of the canals of this state.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The canal commissioners are authorized and required to construct a second set of lift locks, of such dimensions as they shall deem proper, on the Erie canal from Albany to Syracuse, and to make all proper works for the purpose of adapting the canal to the use of double locks. ^{Locks to be made.}

§ 2. The said commissioners are authorized to take the waters of the nine mile creek in the town of Camillus, in the county of Onondaga, for the supply of the Erie canal, and to construct such feeder as they shall deem proper, to conduct the waters of the said creek into the Jordan level or summit of the said canal. ^{Waters of 9 mile creek.}

§ 3. The said commissioners are authorized to take down the aqueduct in the said canal across the Genesee river, to reconstruct the same, not exceeding forty feet water wide, and in such manner as they shall deem best for the interest of the state, and to widen and adapt the said canal near such aqueduct to the increased width thereof, and to provide such means by a canal and aqueduct, or either of them, as they may deem proper and for the interest of the state, to sustain and carry the navigation on the said canal through or over the Genesee river, until the new aqueduct herein first authorized shall be completed. ^{Aqueduct across the Genesee river.}

§ 4. The said commissioners are authorized to construct all such waste-weirs and races or water ways, as they shall deem necessary and proper, to conduct the waters designed for the use of any of the state canals around any lock or locks therein: but they shall not permit the water passing round any lock from one level of the canal to another, to be used for hydraulic purposes, except the same be taken and used under or by virtue of a grant or lease thereof authorized by law. ^{Waste weirs and water ways.}

Cost how to
be paid.

§ 5. The cost of constructing, completing and maintaining the works hereby authorized, shall be paid by the commissioners of the canal fund, out of any moneys which may be on hand belonging to the canal fund.

Powers of ca-
nal commis-
sioners.

§ 6. In the construction of the several works authorized by this act, the canal commissioners shall have and exercise all the powers granted to them by the second article of title ninth, chapter ninth, part first of the Revised Statutes.

Act to take
effect.
Lands.

§ 7. This act shall take effect on the passage thereof.

§ 8. Before the canal commissioners shall take possession of any lands for the purposes of this act, they shall cause the damages of the owners of such land to be appraised.

CHAP. 313.

AN ACT to authorize the supervisors of the county of Ulster, to raise money to build a bridge across the Walkill, in the town of New-Paltz.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Money to be
raised by tax.

§ 1. The board of supervisors of the county of Ulster, at their next annual meeting, shall cause to be levied and collected in said county of Ulster, in the same manner as other county charges are raised and levied, the sum of seven hundred dollars, to aid the town of New-Paltz to build a bridge across the Walkill, at the place called Perrine's Bridge; provided, that in addition to the said sum of seven hundred dollars, the sum of five hundred dollars be raised by tax upon the said town of New-Paltz; which sums, when collected, shall be paid over to the treasurer of the county, who shall pay the same to the commissioners hereinafter appointed, and take their receipt for the same.

Special town
meeting.

§ 2. The town clerk of said town shall call a special town-meeting on the second Tuesday of June next, at the usual place of holding town-meetings, by posting up notices in at least five of the most public places in said town, at least twenty days previous to said meeting, stating that such meeting will be held for the purpose of voting a tax upon said town of five hundred dollars, to be applied in building said bridge: and if at such meeting the majority shall vote authorizing the levying of said tax, the town clerk shall certify the same under his hand, and deliver

his certificate to the supervisor of said town, who shall deliver the same to the board of supervisors; whereupon the said supervisors, at their annual meeting, shall cause to be levied and collected on said town of New-Paltz, in the same manner as other town charges are directed to be levied and collected, the said sum of five hundred dollars.

§ 3. The commissioners of highways of said town of New-Paltz, are hereby appointed commissioners to superintend the building of said bridge, with the power to contract for the materials and workmanship of the same: and the said commissioners shall, before they enter upon the duties as aforesaid, execute a bond to the supervisor of said town, in the penal sum of three thousand dollars, conditioned for the faithful discharge of their duties under this act: the commissioners shall receive the sum of one dollar per day for each day necessarily employed in superintending the said building, to be paid out of the moneys above named. Building commission-ers.

§ 4. It shall be the duty of said commissioners, within two years after the passage of this act, to account with the supervisor and town clerk of said town, for all moneys expended or received by them as aforesaid, and the balance, if any, after completing said bridge and paying for the services of said commissioners, shall be expended as follows, viz. one-third shall be applied to repair the roads and bridges in said town, and two-thirds shall be paid into the treasury of the county, and be applied by the supervisors in repairing bridges in said county. To account.

§ 5. This act shall take effect immediately on the passage thereof. Act to take effect.

CHAP. 314.

AN ACT to confirm the incorporation and increase the powers of the Lockport manufacturing company.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The proceedings had for the purpose of incorporating the Lockport manufacturing company, under and in pursuance of the act of the legislature of this state, passed March twenty-second, one thousand eight hundred and eleven, and the several acts amendatory thereto, now in force, and the act to revive and continue in force and Proceedings confirmed.

operation the aforesaid act, passed the twenty-sixth January, one thousand eight hundred and twenty-one, confirmed, and the said corporation shall be valid and factual.

Debt.

§ 2. For all debts which shall be due and owing by said company at the time of its dissolution, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in the said company, and no further.

Annual report.

§ 8. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them together with a statement of their affairs and of all money expended for the purpose of carrying on said corporation, which report shall be filed in the office of the secretary of state, at the expiration of each year.

Right to repeal.

§ 4. The legislature may at any time alter, amend, modify or repeal this act.

CHAP. 315.

AN ACT in relation to mortgages upon personal property filed with the county clerk of Rensselaer county.

Passed May 6, 18

The People of the State of New-York, represented by the Senate and Assembly, do enact as follows :

Procket to be made

§ 1. The clerk of the county of Rensselaer shall be is hereby directed, at the expense of said county, to procure a book, in which he shall from time to time docket all mortgages on personal property filed in his office, in like manner as judgments are docketed.

Fees.

§ 2. The fees of the said clerk upon filing said mortgages, shall be six cents for filing and six cents for the name contained therein to be entered in said book.

CHAP. 316.

AN ACT in aid of the New-York institution for the blind.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The managers of the New-York institution for the blind are hereby authorized to receive from each senate district of this state four indigent blind persons, between eight years and twenty-five years of age, in like manner and at the like expense to the state, as is provided by law for the indigent deaf and dumb; and that the said indigent blind persons, or state pupils, during a term not exceeding five years, shall, besides their literary or school education, be also instructed in some trade or employment now or hereafter to be taught and carried on in the said institution.

CHAP. 317.

AN ACT to incorporate the Gowannus, Fort-Hamilton and Bath turnpike company.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a corporation, by the name of the "Gowannus, Fort-Hamilton and Bath Turnpike Company." Corporation created.

§ 2. The said corporation shall possess the general powers and privileges, and be subject to the general liabilities of turnpike corporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes, except so far as the same shall be altered by this act. General powers.

§ 3. The capital stock of said corporation shall consist of eight hundred shares of twenty-five dollars each. Stock.

§ 4. Garret Bergen, Peter Bergen and Cornelius Bergen, of Brooklyn, John I. Bennet, Teunis G. Bergen, Nicholas R. Van Brunt and William Brown, of New-Utrecht, shall be commissioners to open books and receive subscriptions. Subscriptions

Route of
road.

§ 5. The said corporation may construct a road, commencing at or near a house now occupied by Peter Wyc-koff, in Brooklyn, following the old road, and shortening the distance whenever practicable, and extend it as far as Bath, in the township of New-Utrecht, by the way of Fort-Hamilton.

How to be
constructed.

§ 6. The foundation of said road may be constructed of such materials as the nature of the ground over which the road shall run may afford; and the said corporation shall not be required to have the said road laid out of a greater width than fifty feet, nor to make the bed or arch thereof more than twenty feet in width; and when obstacles render it impracticable, in the opinion of the commissioners, to complete it of that width, it shall be lawful for said corporation to make and complete it of such less width, and without a ditch, as the commissioners may direct, but in no place shall the bed of the said road be made less than fifteen feet.

Rates of toll.

§ 7. When the said road shall have been completed, the said corporation may erect thereon one toll-gate, at such place as the directors or a majority of them may designate, at which gate may be exacted and received for passing the same, except as is excepted in article third, title first of the said eighteenth chapter of the Revised Statutes, the following rates of toll: For every carriage drawn by two horses, twelve and a half cents, and for every additional horse, three cents; for every one horse carriage, eight cents; for every sled or sleigh drawn by two horses or other animals, six cents; for every sleigh or sled drawn by one horse or other animal, four cents; for every horse and rider, four cents; for every score of horses, mules or cattle, twenty cents, and for every score of sheep or swine, ten cents, and in like proportion for a greater or less number.

Right to re-
peal.

§ 8. The legislature may at any time, modify, alter, amend or repeal this act.

CHAP. 318.

AN ACT *authorizing the trustees of the village of Catskill to borrow money to be expended in providing a supply of water for the extinguishing of fires in said village.*

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for the trustees of the village of Catskill, for the purpose of procuring a supply of water for the extinguishment of fires in said village, to borrow moneys on the faith and credit of said village, so that the aggregate of the moneys so borrowed, shall not exceed the sum of three thousand dollars; and to execute therefor, to the lender or lenders, a bond or bonds, under the corporate seal of the said village, countersigned by the president of the board of trustees of said village. And to secure to the lender or lenders the punctual payment of the interest and redemption of the principal, at such time or times, place or places as may be agreed upon with the lenders or determined by the said trustees, may pledge, hypothecate or mortgage, any estate, real or personal, belonging to the said village, or to which it may become entitled under the provisions of its charter; or instead of making and executing such bonds or other sureties as aforesaid, it shall be lawful for the said trustees of the said village, for the moneys to be borrowed for the purposes aforesaid, to make and issue to the lender or lenders, transferable certificates of stock, in sums not less than one hundred dollars each, and not exceeding in the aggregate, the said sum of three thousand dollars: the said certificates to be made in such form, and the interest and principal to be made payable at such time or times, place or places, and with such pledges, hypothecations, mortgages or securities for the payment of the interest and redemption of the principal sums borrowed, as may be agreed upon with the lender or lenders, or as the trustees of said village may devise, prescribe, and consider most beneficial for the interests of said village. Money may be borrowed.

§ 2. It shall be the duty of the trustees of said village Accounts. who are, or may be hereafter appointed, to keep accurate accounts of the moneys so borrowed, and of the disbursements of the same in procuring the said supply of water. It shall be their duty to apply the balance of all moneys coming into the treasury of said village, either from road taxes or otherwise, after defraying the expenses of all necessary repairs to the roads or streets of said village,

and paying all necessary village expenses, to the payment of the interest, and liquidation and redemption of the principal sums which may be borrowed in pursuance of this act; and if the said sums of money, arising from said taxes or otherwise as aforesaid, shall not be sufficient to meet the payment of the interest and for the redemption of the principal as the same shall become due, it shall be the duty of the said trustees, from time to time, as shall be necessary, to assess the balance thereof upon the inhabitants of said village, and to collect the same of the said inhabitants in the manner prescribed by the eighth section of the act, amending the act of incorporation of said village, passed April 12, 1822.

Consent of
inhabitants
necessary.

§ 3. This act shall not be operative nor give any power to the said trustees, unless a majority of the inhabitants of the said village, qualified to vote for the charter officers thereof, shall, at the annual meeting for the election of such charter officers, (or at any meeting of such inhabitants, called by the trustees of said village in the manner specified in the eighth section of the act amending the act incorporating said village, passed April 12, 1822,) vote and consent to borrow the moneys in this act mentioned, to procure the supply of water for the purpose aforesaid.

CHAP. 319.

AN ACT to incorporate the *Buffalo marine railway company*.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Corporation
created.

§ 1. Jacob A. Barker, John L. Kimberley, William F. P. Taylor and Benjamin Bidwell, and such other persons as now are or may be hereafter associated with them, are hereby constituted a body corporate, by the name of the "Buffalo Marine Railway Company," for the purpose of constructing, using and providing one or more dry or wet docks, with marine railways and other conveniences for building and repairing vessels of every description, and also for sawing lumber.

Stock.

§ 2. The capital stock of the said company shall be twenty-five thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall be lawful for the said corporation, when five thousand dollars shall have been subscribed and paid in, to commence their said

business, and with that capital to carry on the operations of the said company, until they may find it necessary to extend their capital, which they are authorized to do from time to time to the amount herein before mentioned.

§ 3. The corporation hereby created shall be capable Real estate. of purchasing, holding and conveying or hiring such lands, tenements and hereditaments as may be necessary to carry into effect the objects of said corporation.

§ 4. A book for subscriptions to the capital stock of said company shall be opened, under the direction of Subscriptions to stock. James L. Barton, Horatio N. Holt and Walter Joy, or any two of them, who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the said capital stock, on such day and at such place in the county of Erie as they shall appoint, giving at least fourteen days' notice of such time and place of subscription, in one of the public newspapers printed in the city of Buffalo; and the sum of one dollar on each share shall be paid to the said commissioners on such subscriptions as they shall receive as aforesaid: in case the said sum of five thousand dollars of the stock should not be taken on said day, then the said commissioners, or a majority of them, are authorized, on such other day or days, and at such place as they shall appoint, to receive further subscriptions, until the whole stock required shall have been subscribed.

§ 5. The stock, property and concerns of the said company shall be managed and conducted by five directors, Directors. any three of whom, the president being one of them, may be a quorum to transact business: said directors may respectively hold their offices for one year, and until others are chosen: they shall be elected by such of the stockholders as shall attend for that purpose, either in person or by proxy, on such day and at such place as shall be designated by the said commissioners, or a majority of them; and the said commissioners are hereby appointed inspectors of said election: the said directors then chosen shall hold their offices until the first Monday in June thereafter, and until others shall be elected in their stead: the directors, after the said term shall have expired, shall be chosen annually on the first Monday in June in each year, at such place in the city of Buffalo as a majority of the directors may prescribe; of which election notice shall be given at least fourteen days previous, by publication in one of the newspapers published in the city of Buffalo; and such election shall be holden under the inspection of two stockholders to be appointed by the directors for the time being, and shall be by ballot, by a plurality of votes,

allowing one vote for every share; and the stockholders not present may vote by proxy.

Accounts.

§ 6. The directors shall at all times keep, or cause to be kept, at their office, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which book shall at all times be subject to the inspection of the stockholders; and the directors, on going out of office, shall account to their successors, and pay over all moneys of the company in their hands.

Duration of act.

§ 7. This corporation shall continue for twenty-one years.

General powers.

§ 8. The said corporation shall possess the general powers of a corporation, as defined in the third and fourth titles of the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the operation of the provisions of that chapter.

Right to repeal.

§ 9. The legislature may at any time alter, modify, amend or repeal this act.

CHAP. 320.

AN ACT for the payment of certain officers of the government, and for other purposes.

Passed May 6, 1834.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Surveyor-general, extra clerk hire.

§ 1. The treasurer shall pay, on the warrant of the comptroller, to Simeon De Witt, surveyor-general of the state, for extra clerk hire, such sum as may be paid by him, not in all to exceed the sum of three hundred dollars, the account of such payment to be audited by the comptroller.

B. S. Van Rensselaer.

§ 2. The treasurer shall pay, on the warrant of the comptroller, to B. S. Van Rensselaer, the sum of nine dollars and sixty-two cents, for his expenses in going from Albany to New-York, in December, 1833, by the direction of the comptroller and surveyor-general, on a summons from the district attorney of the county of New-York, to testify in a cause of the people vs. Aaron Sergeant.

Comptroller, extra clerk hire.

§ 3. The sum of five hundred and eighty-six dollars and thirty-eight cents, is hereby appropriated for clerk hire in the comptroller's office, in addition to the sum allowed by law, which shall be paid by the treasurer, on the warrant of the comptroller.

Clerks of senate and assembly.

§ 4. There shall be paid to the clerk of the senate, and the clerk of the assembly, each the sum of three hundred

and fifty dollars for extra engrossing during the present session, and seventy-five dollars to each of their deputies actually employed as such, not exceeding three each.

§ 5. The treasurer shall pay, on the warrant of the comptroller, to Abraham Keyser, two hundred and ten dollars, for money expended by him for extra clerk hire during the years 1833 and 1834. Treasurer, extra clerk hire.

§ 6. The clerks of the senate and assembly shall pay equally out of the contingent fund of the two houses, the expenses of fitting up the main hall, furnishing coal-stoves, furnishing fuel and lighting the same.

§ 7. There shall be paid to Alonzo Crosby, door-keeper of the last assembly, twelve dollars for services rendered by him previous to the commencement of the present session of the legislature. Assembly door-keeper.

§ 8. There shall be allowed to Abraham Billson, one dollar per day for making fires and lighting the main hall, for the time he has performed the same during the present session of the legislature. Abraham Billson.

§ 9. The treasurer shall pay, on the warrant of the comptroller, to Amos Andrews, for his attendance on the extra meetings of the court of errors the last year, the same sum as was allowed him for his attendance on the last meeting of the legislature, and the same allowance for travelling as has been heretofore allowed him, to be certified by the president of the senate. Amos Andrews.

§ 10. The treasurer shall pay, on the warrant of the comptroller, to Jacob Griffin, the same allowance per day for his attendance as messenger on the extra meetings of the court for the correction of errors, as was allowed him at the last meeting of the senate. Jacob Griffin

§ 11. The trustees of the capitol are directed to cause the foundations of the capitol to be repaired; the several rooms and cellars in the basement story to be floored and ventilated, and the sinks and drains to be put in order, and also to clear and repair such other parts of the capitol as they may deem necessary, and to report the expenses thereof to the next legislature. Repairs of capitol.

§ 12. There shall be paid to James D. Wasson, door-keeper of the senate, thirty dollars, for his time and expenses in going to and returning from the city of New-York, to summon witnesses to attend before the committee on banks and insurance companies of the senate, in relation to the seventh ward bank. Senate door-keeper.

§ 13. This act shall take effect immediately on its final passage. Act to take effect.



CONCURRENT RESOLUTIONS
OF THE
SENATE AND ASSEMBLY.

STATE OF NEW-YORK.

In Assembly, January 10, 1834.

Resolved, That the removal of the public deposits from the Bank of the United States, is a measure of the administration of which we highly approve.

Resolved, That the senators from this state be directed, and the representatives from this state be requested, to oppose any attempt to restore the deposits to the Bank of the United States.

Resolved, That we approve of the communication made by the president of the United States to his cabinet on the eighteenth of September last, and of the reasons given by the secretary of the treasury relative to the removal of the deposits.

Resolved, That the conduct of the Bank in attempting at a time of general prosperity, to produce pecuniary distress and alarm, and in exercising its power with a view to extort a renewal of its charter from the fears of the people, affords of itself full justification for the withdrawal of the confidence of the government.

Resolved, That the charter of the Bank of the United States ought not to be renewed.

Resolved, That the secretary of state be requested to forward to each senator and representative, a copy of these resolutions.

By order,

WILLIAM BAKER, *Speaker*.

Attest, P. REYNOLDS, Jr. *Clerk*.

STATE OF NEW-YORK.

In Senate, January 22, 1834.

Resolved, That the senate do concur with the assembly in their preceding resolutions.

By order,

JOHN TRACY, *President*.

Attest, JOHN F. BACON, *Clerk*.

CONCURRENT RESOLUTIONS.

STATE OF NEW-YORK.

In Senate, January 17, 1834.

Resolved, (if the assembly concur,) That the secretary of state be authorized to forward to the secretary of state of the United States, for the use of the library of congress, a complete set of the journals and documents of both houses of the legislature, previous to the year one thousand eight hundred and thirty-two.

By order,

JOHN TRACY, *President*.

Attest, JOHN F. BACON, *Clerk*.

In Assembly, January 18, 1834.

Resolved, That the assembly do concur with the senate in their said resolution.

By order,

WILLIAM BAKER, *Speaker*.

Attest, P. REYNOLDS, Jr. *Clerk*.

STATE OF NEW-YORK.

In Senate, February 12, 1834.

Resolved, (if the assembly concur,) That the secretary of state shall annually furnish to the agents of the state prisons at Auburn and Sing-Sing respectively, copies of the legislative documents; and also that the secretary of state furnish said agents with copies, so far as they may remain in his office, of such documents of previous sessions, as may be necessary to complete the sets of documents now belonging to said prisons.

By order,

JOHN F. BACON, *Clerk*.

In Assembly, February 13, 1834.

Resolved, That this house do concur with the senate in their said resolution.

By order,

P. REYNOLDS, Jr. *Clerk*.

STATE OF NEW-YORK.

In Assembly, April 7th, 1834.

Resolved, (if the senate concur,) That the canal commissioners be directed to make a particular survey and

examination of the inlet of the Cayuga lake at the village of Ithaca, and that they report to the next legislature as to the expediency of removing the obstruction occasioned by the bar at the mouth of the said inlet, and otherwise improving the navigation thereof. and also of adopting the said inlet as an appendage to the Erie canal, and establishing a collector's office at the village of Ithaca.

By order,

WM. BAKER, *Speaker.*

Attest, P. REYNOLDS, jr. *Clerk.*

STATE OF NEW-YORK.

In Senate, April 22d, 1834.

Resolved, That the senate do concur with the assembly in the above resolution.

By order,

JOHN TRACY, *President.*

Attest, JOHN F. BACON, *Clerk.*

STATE OF NEW-YORK.

In Senate, April 23, 1834.

Resolved, (if the assembly concur,) That his excellency the governor be requested to open a correspondence with the governors of such states as he may deem proper, with a view to suppress in each at the same time, the issue of bank bills of a denomination less than five dollars; and that he communicate on the subject to the next Legislature.

By order,

JOHN F. BACON, *Clerk.*

In Assembly, April 24, 1834.

Resolved, That this house do concur with the senate in their said resolution.

By order,

P. REYNOLDS, Jr. *Clerk.*

CONCURRENT RESOLUTIONS.

STATE OF NEW-YORK.

In Senate, April 23, 1834.

Resolved, (if the assembly concur,) That each of the incorporated banks within this state, report to the legislature on the first day of the next session, a statement of the amount of its bills put in circulation as money, and outstanding on the first day of December next, of each of the denominations of one, two and three dollars.

By order,

JOHN F. BACON, *Clerk*.

In Assembly, May 5, 1834.

Resolved, That this house do concur with the senate in their said resolution.

By order,

P. REYNOLDS, Jr. *Clerk*.

STATE OF NEW-YORK.

In Assembly, April 30th 1834.

Resolved, (if the senate concur,) That the trustees of the state hall be directed to cause the said hall to be constructed of marble from the state-prison at Mount-Pleasant.

By order,

WM. BAKER, *Speaker*.

Attest, P. REYNOLDS, jr. *Clerk*.

In Senate, May 1, 1834.

Resolved, That the senate do concur in said resolution.

By order,

JOHN TRACY, *President*.

Attest, JOHN F. BACON, *Clerk*.

PROPOSED AMENDMENT TO THE CONSTITUTION.

STATE OF NEW-YORK.

In Assembly, May 1st, 1834.

Resolved, That the following amendment to the constitution of this state be proposed and referred to the legislature next to be chosen; and that the secretary of state cause the same to be published in one newspaper in each of the counties of this state, if there be one printed there-

in, for three months previous to the next annual election. in pursuance of the provisions of the first section of the eighth article of the said constitution, a majority of all the members elected to the assembly voting in favor thereof.

"Whenever a sufficient amount of money shall be collected and safely invested for the reimbursement of such part as may then be unpaid of the money borrowed for the construction of the Erie and Champlain canals, the tenth section of the seventh article of the constitution of this state, so far as it relates to the amount of duties on the manufacture of salt, and the amount of duties on goods sold at auction, shall cease and determine: and thereafter the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars, otherwise appropriated by the act of the fifteenth of April, one thousand eight hundred and seventeen, and the duties on the manufacture of salt, shall be restored to the general fund."

By order,

WM. BAKER, *Speaker*.

Attest, P. REYNOLDS, Jr. *Clerk*.

In Senate, May 5, 1834.

Resolved, That the senate do concur in the foregoing resolution, a majority of all the members elected to the senate voting in favor thereof.

By order,

JOHN TRACY, *President*.

Attest, JOHN F. BACON, *Clerk*.

STATE OF NEW-YORK.

In Senate, May 3, 1834.

Resolved, (if the assembly concur,) That the governor be requested to open a correspondence or negotiation with the common council of the city of New-York, with the view to an exchange of the present site and buildings occupied as the state arsenal, for a more convenient and eligible location therefor, in the upper part of the city.

By order,

JOHN F. BACON, *Clerk*.

CONCURRENT RESOLUTIONS.

STATE OF NEW-YORK.

In Assembly, May 5, 1834.

Resolved, That the assembly do concur in the said resolution.

By order,

P. REYNOLDS, Jr. *Clerk.*

STATE OF NEW-YORK.

In Assembly, May 6, 1834.

Resolved, (if the senate concur,) That the attorney-general be directed to suspend the collection of a judgment against Enos Stone and others, until the first day of May next: provided that such suspension shall not affect the security of the state,

By order,

P. REYNOLDS, Jr. *Clerk.*

In Senate, May 6, 1834.

Resolved, That the senate do concur in said resolution.

By order,

JOHN F. BACON, *Clerk.*

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